

CITY OF SAN ANTONIO
Board of Adjustment
Regular Public Hearing Agenda

Cliff Morton Development and Business Services Center
1901 South Alamo Street
Board Room, First Floor

Monday, March 3, 2008
10:00 AM

BOARD OF ADJUSTMENT MEMBERS

Liz Victor – District 1	Paul Klein – District 6
Edward Hardemon – District 2	Mary Rogers – District 7
Helen Dutmer – District 3	Andrew Ozuna – District 8
Vacant – District 4	Michael Gallagher – District 10
George Alejos – District 5	Gene Camargo – District Mayor
Mike Villyard – District 9	
Chairman	
Maria Cruz	Mimi Moffat
Henry Rodriguez	Pete Vallone
Rollette Schreckenghost	

1. 10:00 AM Board Room – Public Hearing Call to Order.
2. Roll Call.
3. Pledges of Allegiance.
4. The Board of Adjustment will recess for lunch at approximately 12:30 PM.
5. **A-08-035:** The request of Ismael L. Rodriguez, for a 3-foot 11-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to keep the same carport 1-foot, 1-inch from the side property line, 2131 South Navidad Street.
6. **A-08-036:** The request of Francisco Tapia, for **1)** a complete variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained between the back of a sidewalk or the property line and a front entry garage or carport, in order to keep an existing carport on the front property line, and **2)** a complete variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to keep the same existing carport on the side property line, 131 Jennings Avenue.

7. **A-08-037:** The request of Richard and Pamela O'Bryant, for a 13-foot, 11-inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports/garages, in order to keep an existing carport 6-feet, 1-inch from front property line, 401 Cedar Drive.
8. **A-08-038:** The request of Rene Lopez, for a 25-foot variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line, 2038 Basse Road.
9. **A-08-039:** The request of Aurelio Lara, Jr., for 1) a 16-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from front property line, 2) a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in "R-4" zoning districts, in order to keep the same carport 2 feet from the side property line, 3) a 6-foot variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet in order to keep a 8-foot, 6-inch tall predominantly open fence with a 10-foot tall driveway gate in the front yard, 471 Ferris Avenue.
10. **A-08-040:** The request of Drury Southwest, Inc., to appeal the decision of the Chief Sign Inspector to stop work on an on-premise free-standing pole sign and interpretation of 28-245(a) by the Chief Sign Inspector as it relates to this on-premise freestanding sign cabinet, 8818 Jones Maltzberger.
11. **A-08-041:** The request of William Hodge, for 1) a Special Exception, as required in the Unified Development Code, for the relocation of a residential structure from 1414 Gorman to 1312 Burnet and 2) a 3-foot, 6-inch variance from the Unified Development Code requirement that a minimum 5-foot setback be maintained in "MF-33" districts to keep a residential structure 1-foot, 6-inches from the side property lines, 1613 Burnet Street.
12. **A-08-042:** The request of Norma and Manuel Guerrero, for a 1-foot, 11-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained for secondary residences, in order to keep the same structure 3-feet, 1-inch from the side property line, 1509 Leal Street.
13. **A-08-043:** The request of George and Catherine Cisneros, for a 1-foot, 6-inch variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet, in order to keep a 5-foot tall predominantly open fence with a 5-foot, 6-inch tall gate post in the front yard, 1918 West Houston Street.
14. Consideration of **Sign Master Plan No. 08-006**, Military Center, located at Loop 410 and West Military.
15. Consideration of **Sign Master Plan No. 08-007**, A-AAA Key Mini Storage, located at Loop 1604 and West Military.
- 16.. Approval of the minutes from the regular meeting on February 4, 2008.

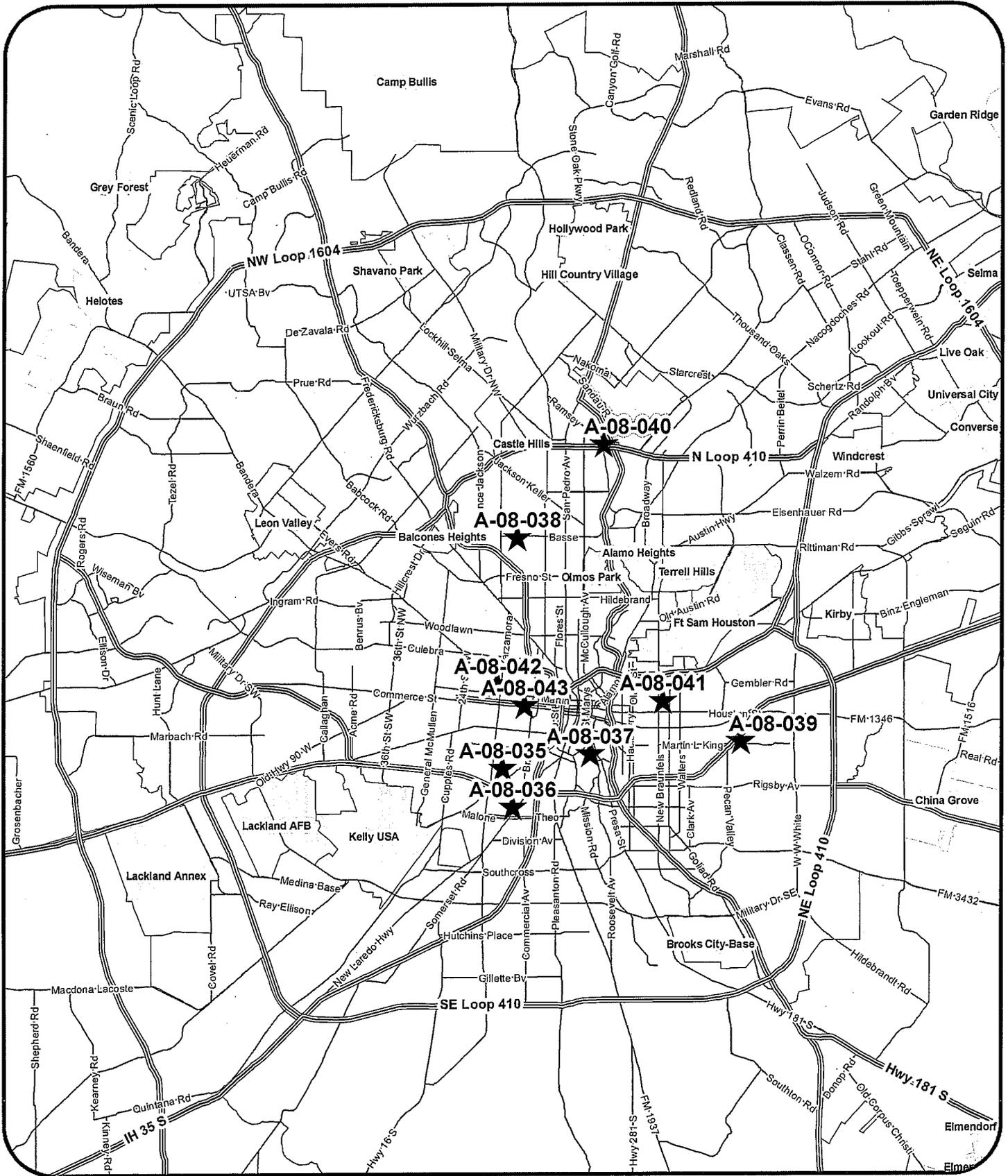
15. Staff Report.
16. Executive Session: consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
17. **Adjournment**

Note: The City of San Antonio Board of Adjustment Agenda can be found on the Internet at: www.sanantonio.gov/dsd

At any time prior to the meeting, you may contact a case manager at 207-6944 to check the status of a case.

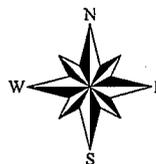
Accessibility Statement

This meeting is wheelchair accessible. The accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located in front and rear of the building. Auxiliary aids and services are available upon request. Interpreters for the deaf must be requested at least 48 hours prior to the meeting by calling (210) 207-7245.

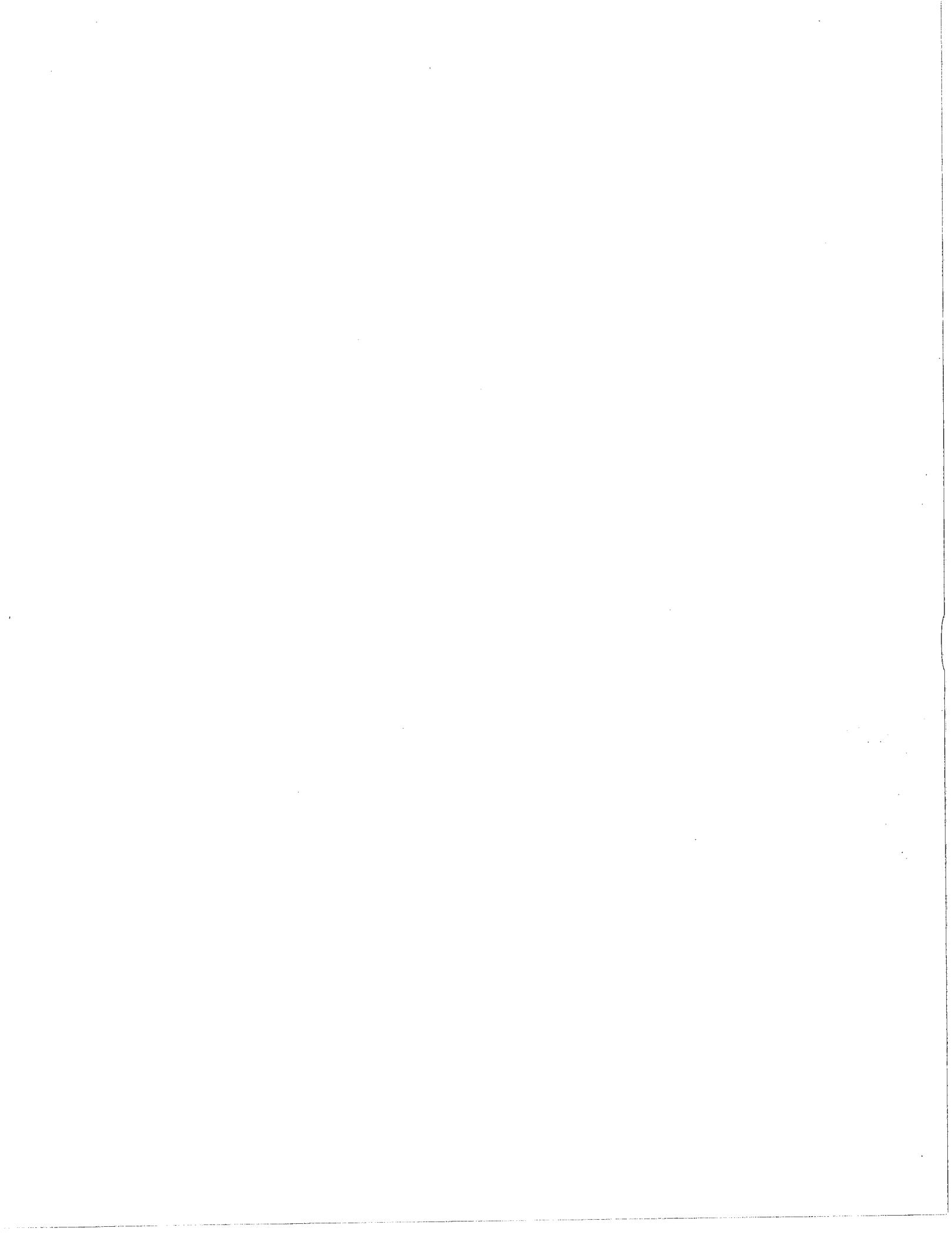


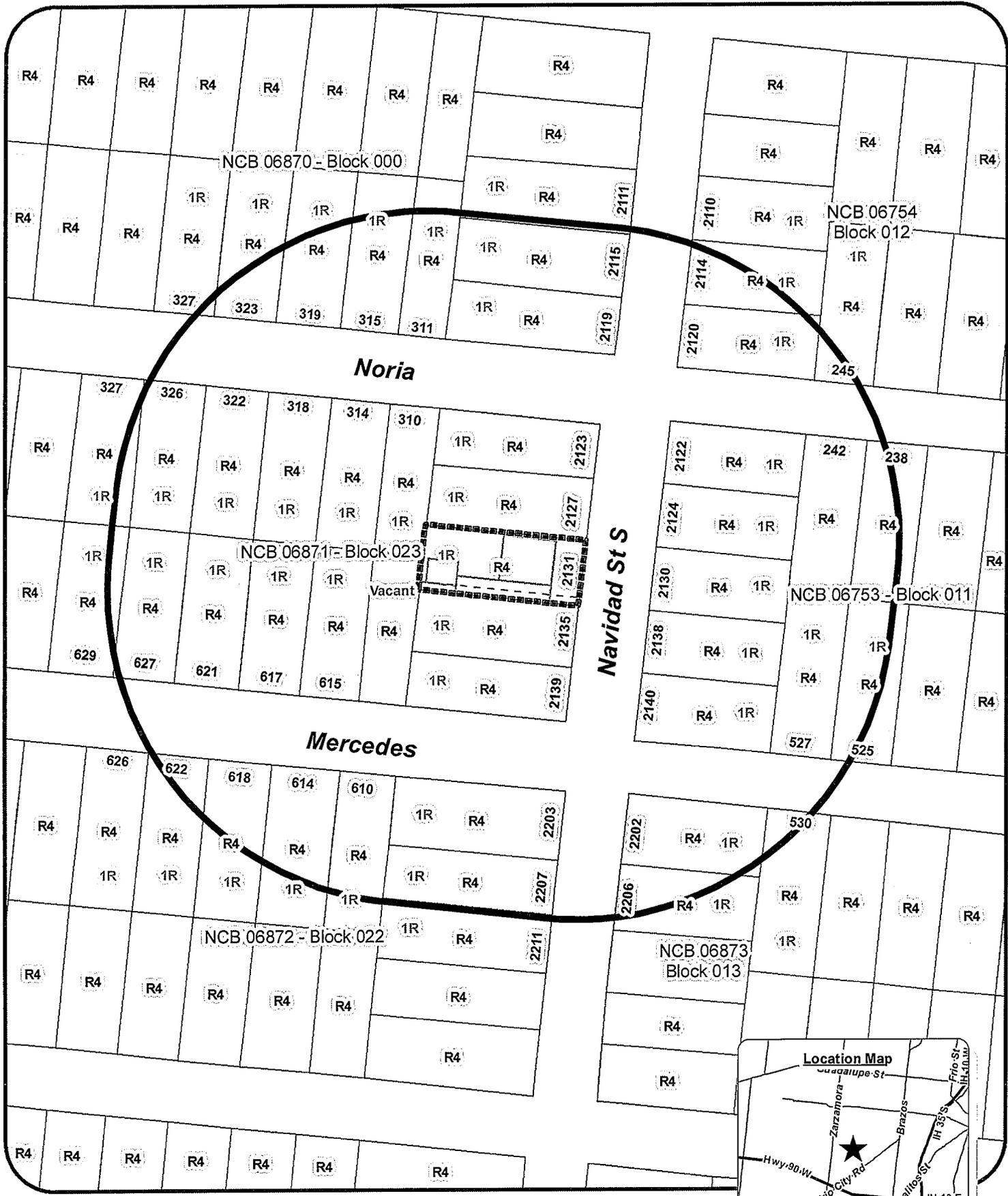
Board of Adjustment

Subject Property Locations
Cases for March 3, 2008

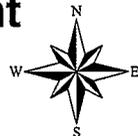


Produced by the City of San Antonio
Development Services Department
(02/12/2008)



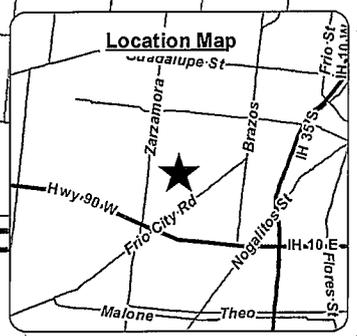


Board of Adjustment
Notification Plan for
Case A-08-035



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 5



Produced by the City of San Antonio
 Development Services Department
 (02/14/2008)

Board of Adjustment - Case No. A-08-035

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Ismael L. Rodriguez
Lot 3, NCB 6871
2131 South Navidad Street
Zoned: “R-4” Residential Single-Family District

The applicant is requesting a 3-foot 11-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to keep the same carport 1-foot, 1-inch from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

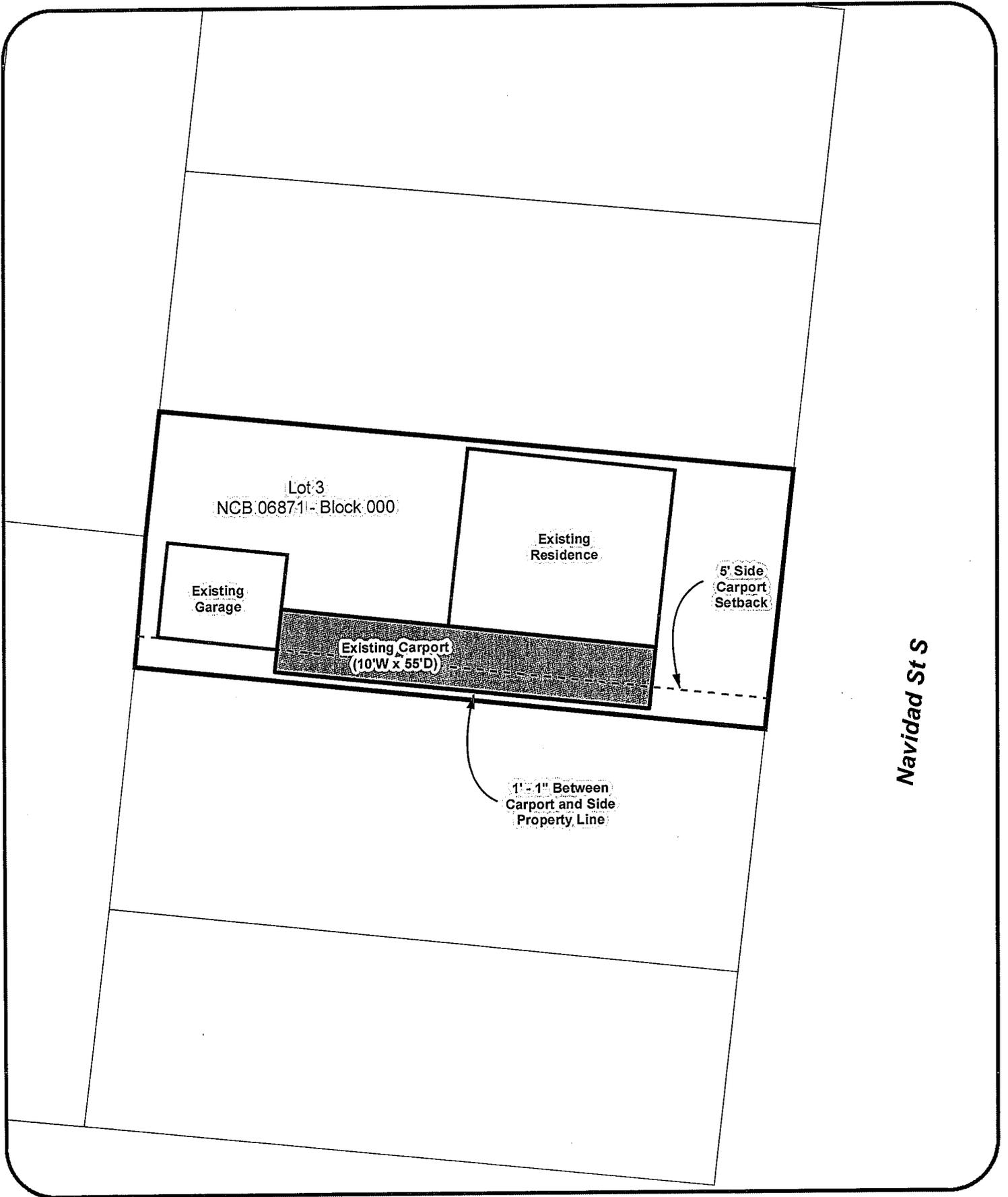
Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor

() In Opposition/En Oposicion

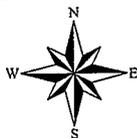
Comments/Comentarios: _____

A-08-035



Navidad St S

Board of Adjustment
 Plot Plan for
Case A-08-035



Scale: 1" approx. = 20'
 Council District 5

2131 Navidad St S

Produced by the City of San Antonio
 Development Services Department
 (02/12/2008)

CASE NO: A-08-035

Board of Adjustment – March 3, 2008

Applicant: Ismael L. Rodriguez
Owner: Ismael L. Rodriguez
Request(s): A 3-foot, 11-inch variance from the minimum 5-foot side setback required in "R-4" zoning districts, in order to keep an existing carport 1-foot, 1-inch from the south side property line.
Legal Description: Lot 3, NCB 6871
Address: 2131 South Navidad Street
Zoning: "R-4" Residential Single-Family District
Existing Use: Single-Family Residence
Neigh. Assoc: None
Neigh. Plan: Guadalupe Westside Community Plan

Section of the City Code from which this variance is requested:

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "R-4" zoning districts.

Background: The subject property is a single-family residential dwelling, with attached carport, located in an established single-family residential neighborhood just west of the central business district on South Navidad Street, bound by Noria Street to the north and Mercedes Street to the south. The subject property is located within an established R-4 zoned area. The existing carport was built in 1974, in-tandem with the construction of the primary dwelling, and was a permissible use under the city codes in place at that time, save the encroachment into the side setback. Recently, the existing carport was reconstructed and was subsequently reported as being in violation of the current 5-foot side setback required in residential zoning districts. The investigation was initiated as a result of a citizen complaint.

Recommendation: The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. Although the carport located on the subject property does, in fact, reflect an aspect of the character of the neighborhood in that there are existing questionable carports on several lots in the immediate area, this lot does not appear to be characterized by any unique terrain features where literal enforcement of the side setback requirement would result in an unnecessary hardship. The general planning and zoning principal by which Staff recommends approval of a variance request is based solely on specific site considerations (i.e. property configuration, topography, soil conditions, etc.) and not solely the general character of any given neighborhood. Additionally, should the Board grant the applicant's request for a variance; they have been made aware of the necessity of the construction of a firewall. This is a requirement as per International Residential Code for One- and Two-Family Dwellings –

Section R302.1: Exterior Walls (Table R302.1). Staff recommends **denial** of the requested variance.

Case Manager: Mike Farber, Planner (210) 207-3074

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-08-035

Property Address: 2131 S. Navidad St. Zoning: R-4

Hearing Date: 3/3/2008

Type / Scope of BOA Request:

A variance of 3' 11" to allow a carport to remain 1' 1" from side property line.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association (name or n/a): n/a

Neighborhood or Community Plan (name or n/a): Guadalupe Westside Community Plan

Neighborhood Conservation District (name or n/a): N/A

Corridor Overlay District (name or n/a): N/A

Alternate: _____

ANALYSIS STATEMENT

The Guadalupe Westside Community Plan does not specifically address carports or setbacks. Given the improvements made and the quantity of existing carports in the neighborhood, the structure does not appear to be out of character with the neighborhood however, it does not seem that there are any topographical or other similar constraints that would inhibit meeting UDC setback requirements.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

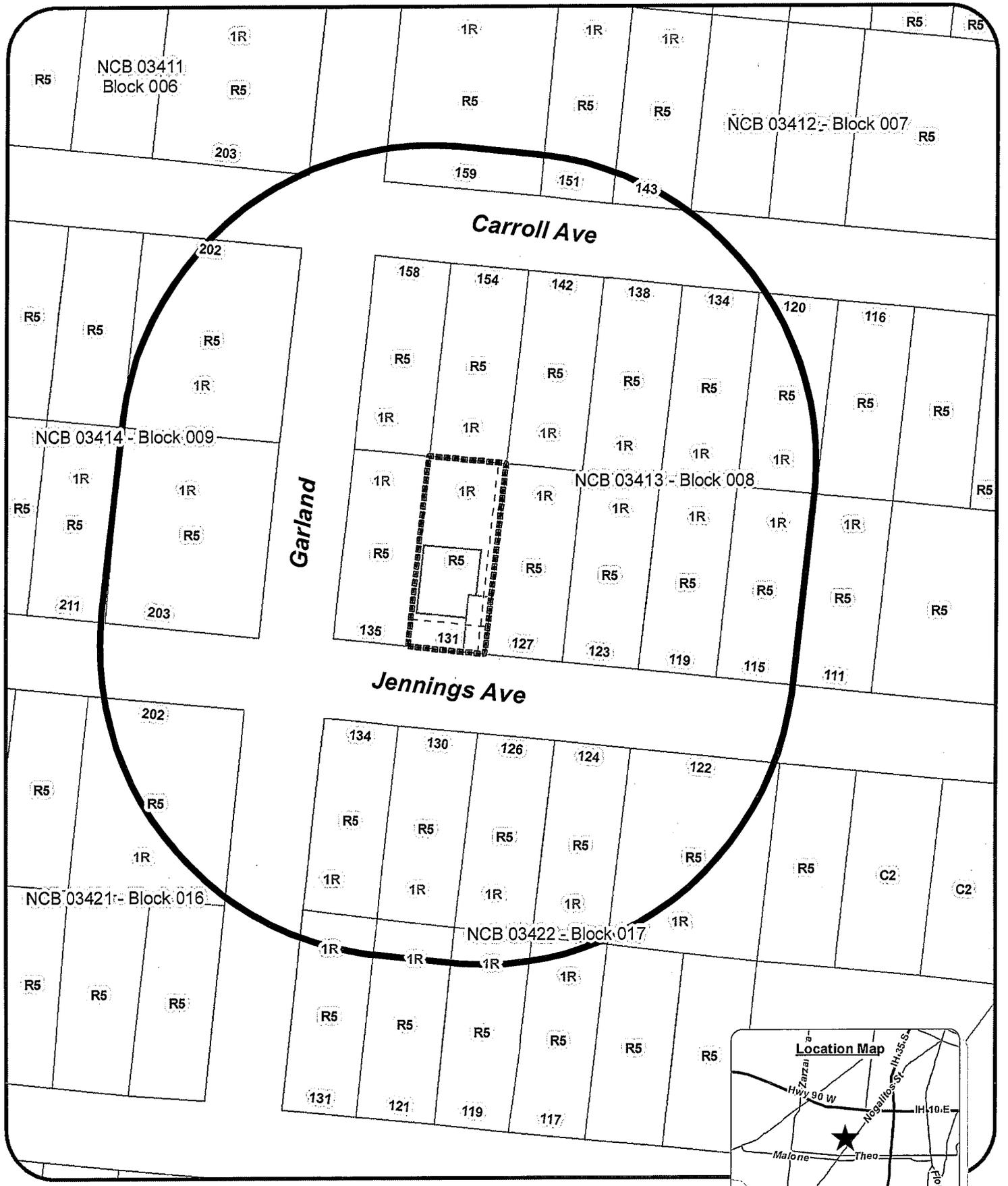
Support Request _____ Deny Request X

Alternate _____ Explain: _____

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Andrea Gilles, Sr. Planner

Date Review Completed: 2/14/2008



Board of Adjustment
Notification Plan for
Case A-08-036



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 5

Produced by the City of San Antonio
 Development Services Department
 (02/14/2008)

Board of Adjustment - Case No. A-08-036

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Francisco Tapia
Lot 16, Block 8, NCB 3413
131 Jennings Avenue
Zoned: “R-5” Residential Single-Family District

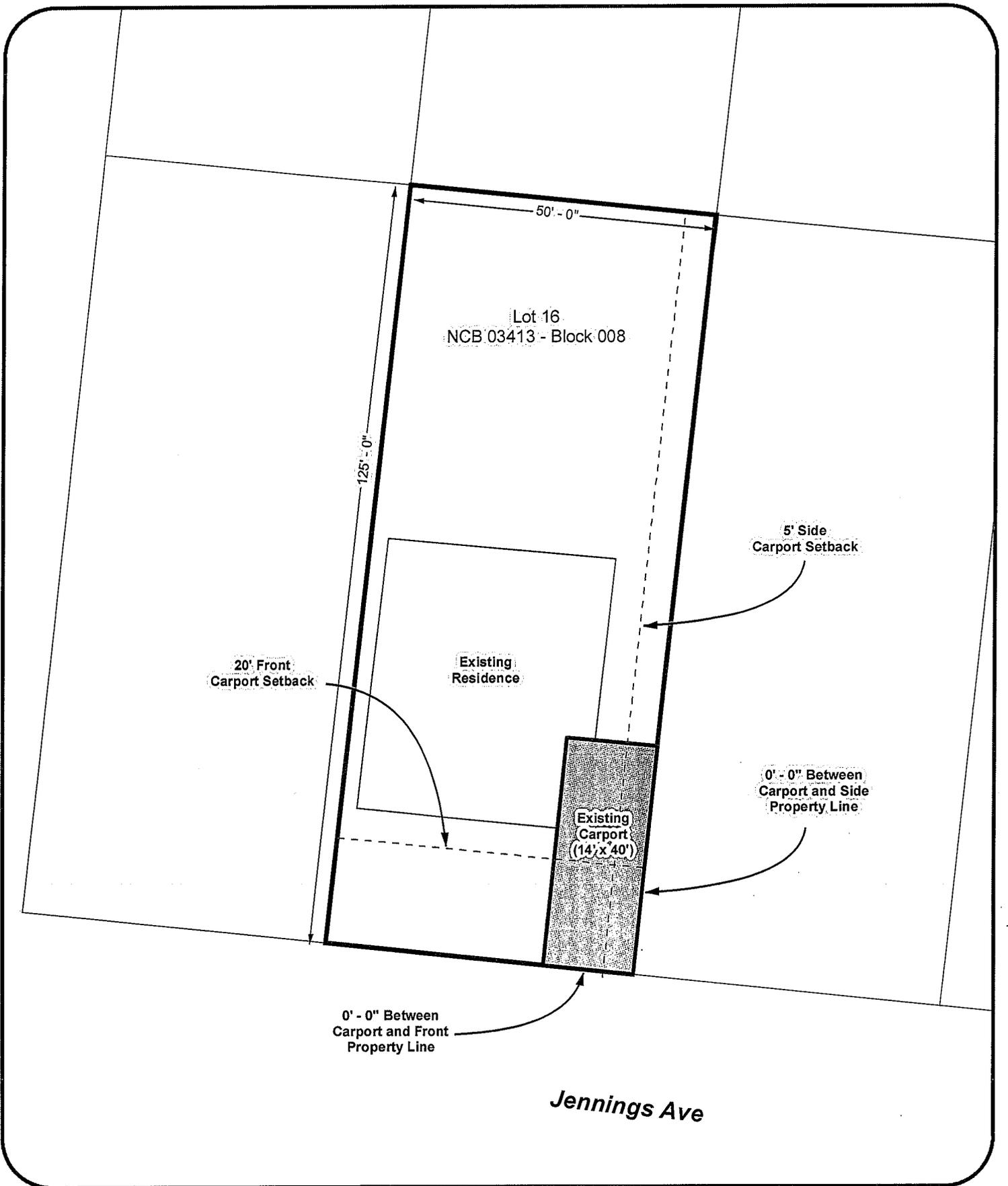
The applicant is requesting 1) a complete variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained between the back of a sidewalk or the property line and a front entry garage or carport, in order to keep an existing carport on the front property line, and 2) a complete variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-5” zoning districts, in order to keep the same existing carport on the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

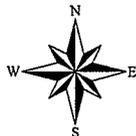
Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

A-08-036



Board of Adjustment
Plot Plan for
Case A-08-036



Scale: 1" approx. = 20'
 Council District 5

131 Jennings Ave

Produced by the City of San Antonio
 Development Services Department
 (02/12/2008)

CASE NO: A-08-036

Board of Adjustment – March 3, 2008

Applicant: Francisco Tapia
Owner: Francisco Tapia
Request(s): 1) a complete variance from the requirement that a minimum 20-foot front setback be maintained between the back of a sidewalk or the property line and a front entry garage or carport, in order to keep an existing carport directly on the front property line, and 2) a complete variance from the minimum 5-foot side setback required in "R-5" zoning districts, in order to keep the same existing carport directly on the side property line.
Legal Description: Lot 16, Block 8, NCB 3413
Address: 131 Jennings Avenue
Zoning: "R-5" Residential Single-Family District
Existing Use: Single-family Residence
Neigh. Assoc: Palm Heights Neighborhood Association
Neigh. Plan: Nogalitos/South Zarzamora Community Plan

Sections of the City Code from which these variances are requested:

Section 35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of a sidewalk or the property line and a front entry garage or carport, and

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "R-5" zoning districts.

Background: The subject property is located on the north side of Jennings Avenue, between West Malone Avenue and Highway 90 West; just west of Nogalitos Street. The property is located in an established single-family residential neighborhood and contains a single-family residence.

On May 12, 2006, the applicant applied for, and obtained, a building permit from a Community Link Customer Service Center to construct a 10-foot by 40-foot metal carport over the existing driveway. The applicant submitted a site plan with the application that appears to illustrate a 15-foot by 40-foot carport that would be five (5) feet from the side property line and built to the front property line. The Link Center issued a permit for a 10-foot by 40-foot carport; however, the permit stated that the project "must maintain setback". The applicant subsequently constructed a 14-foot by 40-foot carport encroaching into the front and side property lines, as well as, into the public's right-of-way on Jennings Avenue.

On June 16, 2006, the applicant applied for two variances, (see requests above) for which the fee was waived. On August 7, 2006, the Board of Adjustment considered the case and granted a 2-foot variance to allow a 3-foot side setback and a 10-foot variance to allow a 10-foot front setback. However, on November 28, 2007, a City Building Inspector filed a case at Municipal Court because the carport remained in violation. On January 28, 2008, the applicant re-applied for the same two variances as requested previously.

Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space that would allow for additional off-street parking so that vehicles would not encroach into the sidewalk, right-of-way, or into the street. The intent of the side setback requirement is to allow for openness, air flow, light penetration, neighborhood uniformity, help achieve a reasonable amount of open space desired in residential environments, and prevent overcrowding of lots. This lot does not appear to be characterized by any unique terrain features where literal enforcement of the front and side setback requirements would result in unnecessary hardship. Additionally, the applicant was made aware, via issued permit that they were to maintain the required setbacks and failed to do so. Staff recommends **denial** of the requested variances.

Note: Should the Board approve variance #1 (front setback), the applicant is still required to either remove the portion of the carport that is situated within the public's right-of-way or obtain permission from the Asset Management Department to allow the encroachment. The Board does not have the authority to grant a variance to allow such an encroachment.

Case Manager: David T. Arciniega, 207-6944

City of San Antonio
P.O. Box 839966
San Antonio, TX 78283-3966

MISC REVIEW

Report Date 02/14/2008 03:38 PM

Submitted By

Page 1

A/P # 1255193 Type MISCREV Issued Date 05/12/2006 Issued By DL10957

Address 131 JENNINGS AVE
SAN ANTONIO TX 78225-0000

Location

Owner FRANCISCO TAPIA

Phone

Address 131 JENNINGS
SAN ANTONIO TX 78225

Country Foreign

Applicant's Full Name FRANCISCO TAPIA

Day Phone Fax

Pager Address 131 JENNINGS
SAN ANTONIO TX
78225

Fees

PERMIT FEE BUILDING	31.46
SURCHARGE DEVELOPMENT SERVICES IMPRVMTS	0.94
SURCHARGE TECHNOLOGICAL IMPROVEMENT	0.94
Total Paid	33.34

Declared Value	650.00	Type of Work	EXISTG	EXISTING
Calculated Value	0.00	Square Footage		0.00
Actual Value	0.00			

Comments
adding a 40x10=400sq ft. carport to existing concrete slab must maintain set back.

Signature of Owner (If Owner Builder)

Date

Signature of Contractor or Authorized Agent

Date

Report Date 02/14/2008 03:38 PM

Submitted By

Page 1

Case # 49904

Case Information

Stages

	Date / Time	By
Processed	06/23/2006 00:00	DA05279
Resolved		
Expires		

Associated Information

Case Group BOAVAR VARIANCE
Priority
Resolution Code RESLV CASE RESOLVED
Source
Name A060058

Auto Reviews

Applications Affected

Building Application Project Application Use Application License Application Case

Description of Case

3' SIDE SETBACK GRANTED AND
10' FRONT CARPORT SETBACK GRANTED on 8-07-2006 by BOA.

Project # Size/Area	Project/Phase Name Size Description	Phase #
------------------------	--	---------

Customer Service Service #	Problem	Resolution Code	Resolved Date
-------------------------------	---------	-----------------	---------------

No Customer Service Log Entries

Property/Site Information

Address 131 JENNINGS AVE
SAN ANTONIO TX 78225-0000

Location 131 JENNINGS AV
NCB: 3413 LOT: 16 BLK: 8

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

33953

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts

Contractors

No Contractors

Item Description

Item Status

Report Date 02/08/2008 09:43 AM

Submitted By

Page 1

Case # 67026

Case Information

Stages

	Date / Time	By
Processed	10/22/2007 16:07	SC02582
Resolved		
Expires		

Associated Information

Case Group	BOAVAR VARIANCE	
Priority	P2 MED PRIORITY	<input checked="" type="checkbox"/> Auto Reviews
Resolution Code		
Source	INVE INVESTIGATIONS	
Name		

Applications Affected

Building Application Project Application Use Application License Application Case

Description of Case

10/22/07 CARPORT ON PROPERTY LINE, LEFT CARD WITH AT THE RESIDENCE FOR A CALL BACK. OWNERS MR & MRS TAPIA 924-9278. S.CORTEZ 112 //// 10/22/07 MADE CONTACT WITH MRS TAPIA SHE STATED THAT SHE WILL FILE AN APPEAL. INFORMED HER THAT A COURT CASE WILL BE FILED BY FRIDAY OCT. 27. UNLESS SHE CALLS BACK WITH THE CASE NUMBER FOR THE APPEAL AND A NAME AND TELEPHONE NUMBER OF HER ATTORNEY. MARIA MORENO TAPIA DOB 7/9/59 885-1379 SCORTEZ 112 //// 11/28/07 FILED CASE AT MCOURT FOR FRONT YARD SETBACK AND SIDEYARD SETBACK SCORTEZ

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service Service #	Problem	Resolution Code	Resolved Date
----------------------------	---------	-----------------	---------------

No Customer Service Log Entries

Property/Site Information

Address 131 JENNINGS AVE
SAN ANTONIO TX 78225-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

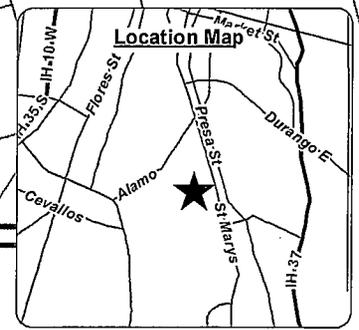
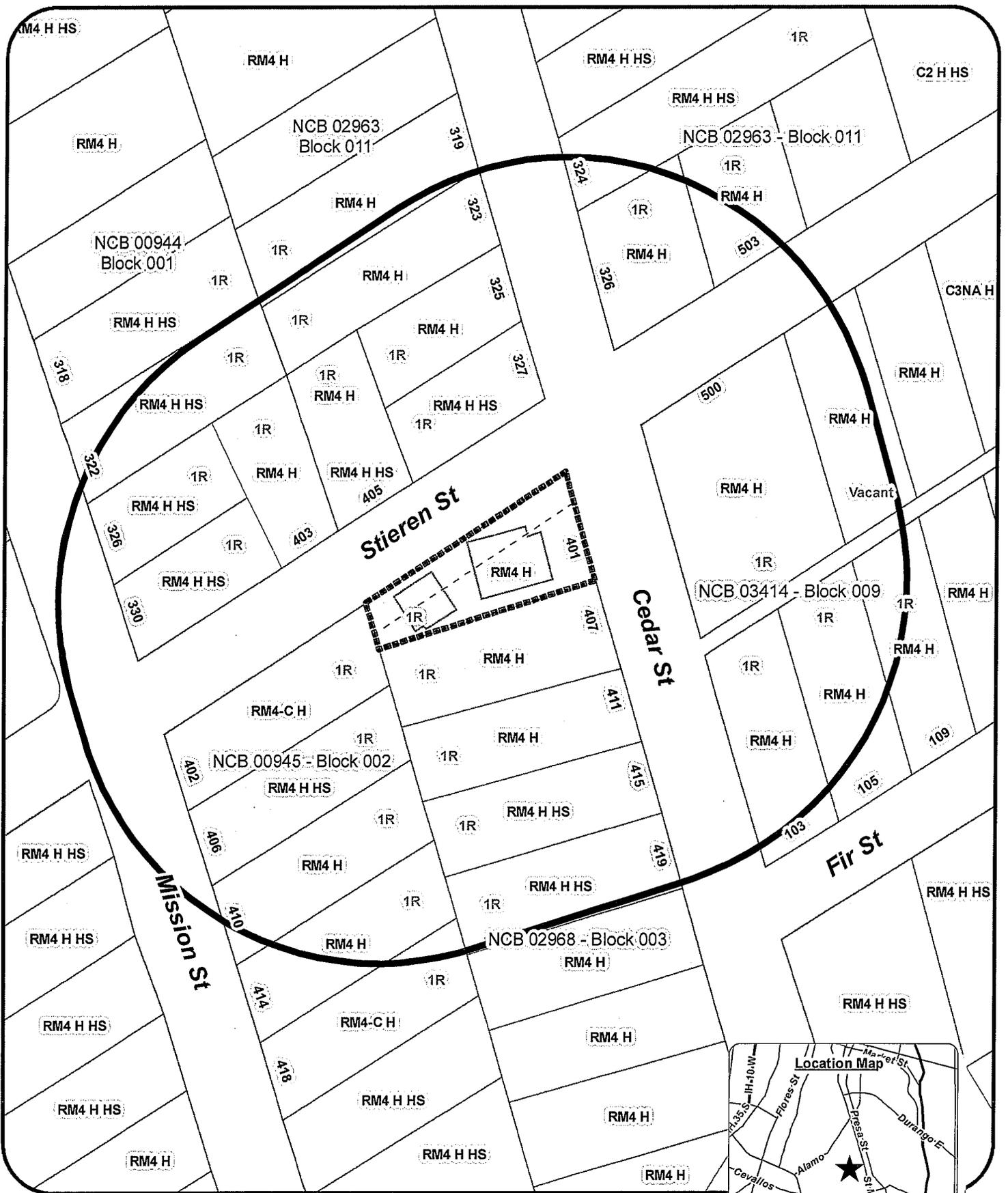
33953

A/P Linked Parcels

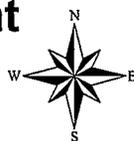
No Parcels are linked to this Application

Applicants/Contacts

No Applicant Contacts



Board of Adjustment
Notification Plan for
Case A-08-037



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 1

Produced by the City of San Antonio
 Development Services Department
 (02/14/2008)

Board of Adjustment - Case No. A-08-037

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Richard and Pamela O’Bryant
Lot 1, Block 3, NCB 2968
401 Cedar Drive
Zoned: “H RM-4” Residential Mixed Historic District

The applicant is requesting a 13-foot, 11-inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 6-feet, 1-inch from front property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

() In Favor/A Favor () In Opposition/En Oposicion

Comments/Comentarios: _____

A-08-037

Stieren St

Cedar Dr

6' - 1" Between Existing
Carport and Front
Property Line

20' Front
Setback

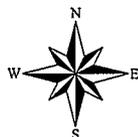
Lot 7
NCB 09724 - Block 000

Existing
Residence

Proposed 2-car
Garage and Apartment

Board of Adjustment

**Plot Plan for
Case A-08-037**



Scale: 1" approx. = 30'
Council District 1

401 Cedar Dr

Produced by the City of San Antonio
Development Services Department
(02/13/2008)

CASE NO: A-08-037

Board of Adjustment – March 3, 2008

Applicant: Richard and Pamela O'Bryant

Owner: Richard and Pamela O'Bryant

Request(s): The applicant is requesting a 13-foot, 11-inch variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry garage or carports, in order to construct garage/carport 6-feet, 1-inch from front property line.

Legal Description: Lot 1, Block 3, NCB 2968

Address: 401 Cedar Drive

Zoning: "H RM-4" Historic Residential Mixed District

Existing Use: Single-Family Residence

Neigh. Assoc: King William Association

Neigh. Plan: Downtown Neighborhood Plan

Section of the City Code from which this variance is requested:

Section 35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of the sidewalk or the property line and a front entry garage or carport.

Background: The subject property is located in an established single-family residential neighborhood; on the southwest corner of Stieren Street and Cedar Street. The surrounding land uses are mixed residential and the zoning surrounding the subject property is zoned primarily H RM-4. The "H" zoning prefix indicated that the subject property is located within a Historic District (King William Historic District). The applicant is applying for a variance in order to continue constructing a two-story, two-car garage that is currently in violation of the minimum front setback for a front entry garage. A concrete slab currently exists on this portion of the subject property. An open permit (AP #1397091) remains on file with the city for the 2-story detached garage; however, has not been issued due to the setback requirements that the garage would fail to meet. The Historic and Design Review Commission issued a Certificate of Appropriateness for the construction of a two-story garage on the back of the property on January 16, 2008.

Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or on to the street. This lot appears to be characterized by unique terrain features where literal enforcement of the front setback requirement would result in unnecessary hardship. The lot itself is an irregular, trapezoid-shaped lot in that it is approximately 72 feet wide at the front of the lot, but narrows to approximately 30 feet wide at the rear of the lot. It appears that the garage could not reasonably meet the setback requirement for a front-entry garage due to the unique shape of the subject property. Staff therefore recommends **approval** of the requested variance.

Case Manager: Mike Farber, Planner (210) 207-3074



HISTORIC AND DESIGN REVIEW COMMISSION
CERTIFICATE OF APPROPRIATENESS

September 05, 2007

CITY OF SAN ANTONIO

HDRC CASE NO: 2007-189
ADDRESS: 401 Cedar
LEGAL DESCRIPTION: NCB 2968 BLK 3 LOT 1
PUBLIC PROPERTY:
HISTORIC DISTRICT: King William Historic District
LANDMARK DISTRICT:
APPLICANT: Richard & Pamela O'Bryant
OWNER: Richard & Pamela O'Bryant
TYPE OF WORK: Exterior Renovations & New Addition

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to modify approved plan for rear addition to include an extension of the rear addition to cover a porch area.

The accompanying exhibits provide additional information.

RECOMMENDATION:

Since there is no change to the approved addition and the extended roof line will cover an approved patio, we recommend approval of the request.

COMMISSION ACTION:

Approved with the exception of the skylights above the porch.

Ann Benson-McGlone
Historic Preservation Officer

HISTORIC AND DESIGN REVIEW COMMISSION

September 05, 2007

Agenda Item No: 8

HDRC CASE NO: 2007-189
IDENTIFIER:
ADDRESS: 401 Cedar
LEGAL DESCRIPTION: NCB 2968 BLK 3 LOT 1
ZONING: "RM 4 H" Residential Mixed-Use, Historic
PUBLIC PROPERTY:
COUNCIL DISTRICT: 1
DISTRICT: King William Historic District
LANDMARK:
APPLICANT: Richard & Pamela O'Bryant
OWNER: Richard & Pamela O'Bryant
TYPE OF WORK: Exterior Renovations & New Addition

REQUEST:

The applicant is requesting a Certificate of Appropriateness for approval to modify approved plan for rear addition to include an extension of the rear addition to cover a porch area.

The accompanying exhibits provide additional information.

RECOMMENDATION:

Since there is no change to the approved addition and the extended roof line will cover an approved patio, we recommend approval of the request.

CASE COMMENTS:

7/18/2007 The applicant requested approval to:

1. Participate in historic tax certification plan
2. Exterior and Interior Renovations, including the addition of a second floor balcony to the front facade
3. New construction of a garage to the back of the property

Commission Action: Approved with the revised plans submitted July 18, 2007.

NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM

CASE INFORMATION

Case #: A-08-037

Property Address: 401 Cedar

Hearing Date: 03/03/08

Type / Scope of BOA Request:

Variance of approximately 13' to allow a garage slab to remain approximately 7' from the front set back.

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): King William Neighborhood Association

Neighborhood or Community Plan: Downtown Neighborhood Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The garage is situated on an irregular lot which appears to present a geographical constraint to meeting UDC setback requirements. According to the Historic Division of the Planning and Community Development Department, the garage is not out of character with the rest of the neighborhood.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request X

Deny Request _____

Alternate _____ Explain:

REVIEWER INFORMATION

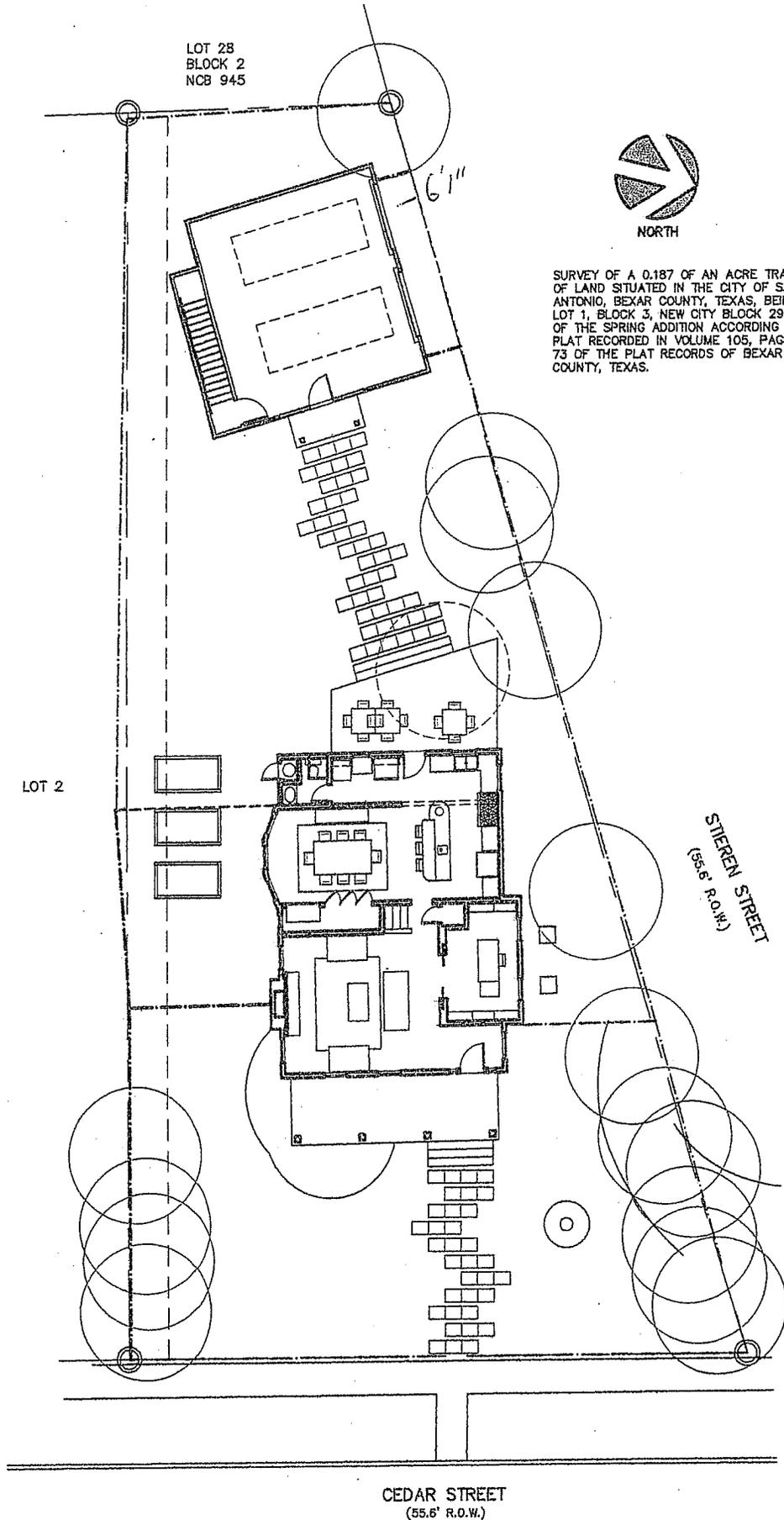
Neighborhood Planner Reviewing: Andrea Gilles, Sr. Planner

Date Review Completed: February 14, 2008

LOT 28
BLOCK 2
NCB 945



SURVEY OF A 0.187 OF AN ACRE TRACT
OF LAND SITUATED IN THE CITY OF SAN
ANTONIO, BEXAR COUNTY, TEXAS, BEING
LOT 1, BLOCK 3, NEW CITY BLOCK 2968
OF THE SPRING ADDITION ACCORDING TO
PLAT RECORDED IN VOLUME 105, PAGE
73 OF THE PLAT RECORDS OF BEXAR
COUNTY, TEXAS.



CEDAR STREET
(55.6' R.O.W.)

0.187 Acres

O'BRYANT RESIDENCE: 401 Cedar Street

11/24/07

VALDÉS/Architecture

Report Date 08/14/2007 02:28 PM

Submitted By G. MENDOZA 207-1111

Page 1

prompt
for cust. ser.

A/P # 1397091

Application Information

Stages

	Date / Time	By	Date / Time	By
Processed	08/14/2007 14:07	GG07273		
Issued			Temp COO	
Final			COO	
			Expires	

Associated Information

				Valuation		
Type of Work	EXISTG	EXISTING	# Plans	2	Declared Valuation	25280.00
Dept of Commerce	RESID	RESIDENTIAL CONSTRUCTION	# Pages	0	Calculated Valuation	0.00
Priority	1	RESIDENTIAL STANDARD	<input checked="" type="checkbox"/> Auto Reviews		Actual Valuation	0.00
Square Footage	1.00	Name	RICHARD L. O'BRYANT			

Description of Work

OK PER HISTORIC, APPROVAL LETTER ON FILE...to construct 24x26 1-story detached garage at rear of residence over new concrete slab (did advise to homeowner that engineer's letter will be required for foundation of new detached garage) will also be remodeling 2nd story balcony at front of residence (will be adding new deck and railing around deck to 2nd floor, and reinforce front pillars supporting existing balcony with larger pillars-no foundation to be poured per homeowner on pillars) and overall exterior & interior renovations to residence, all work to comply w/ stbks, all work to comply w/ IRC & UDC, no work to be done over any easements, no other work to be done to residence without proper approvals by historic ---HOMEOWNER UNDECIDED ABOUT INSULATING
DETACHED GARAGE

Parent A/P #	Project/Phase Name	Phase #
Project #	Size Description	
Size/Area		

Property/Site Information

Address 401 CEDAR ST
SAN ANTONIO TX 78210-0000

** Lemonatus*
1. Foundation

Location

Owner/Tenant

Contact ID AC140845 Name RICHARD L O'BRYANT
Mailing Address 401 CEDAR Organization
City SAN ANTONIO State/Province TX
ZIP/PC 78210 Country Foreign
Day Phone (210)823-6711 x Evening Phone
Fax Mobile #

2. Frame
3. Final

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

28118

A/P Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

- BALCONY -
Request for partial frame for balcony
Request for partial final for balcony

Report Date 08/14/2007 02:26 PM

Submitted By G. MENDOZA 207-1111

Page 2

Applicants/Contacts

Primary Y Capacity OWNER Contact ID AC140845 Foreign
Effective Expire
Name RICHARD L O'BRYANT
Day Phone (210)823-6711 x Eve Phone Address 401 CEDAR
Pager PIN # SAN ANTONIO
Fax Mobile TX
E-Mail 78210
Organization Position HOMEOWNER Profession
Comments
No Comments

Contractors

No Contractors

Fees	Status	Paid Date	Amount
DEV SVC SURCHARGE FEE	U		0.00
TECHNOLOGY SURCHARGE FEE	U		0.00
PERMIT FEE BUILDING	U		280.59
DEV SVC SURCHARGE FEE	U		8.42
TECHNOLOGY SURCHARGE FEE	U		8.42
Total Unpaid		297.43	Total Paid 0.00

Employee

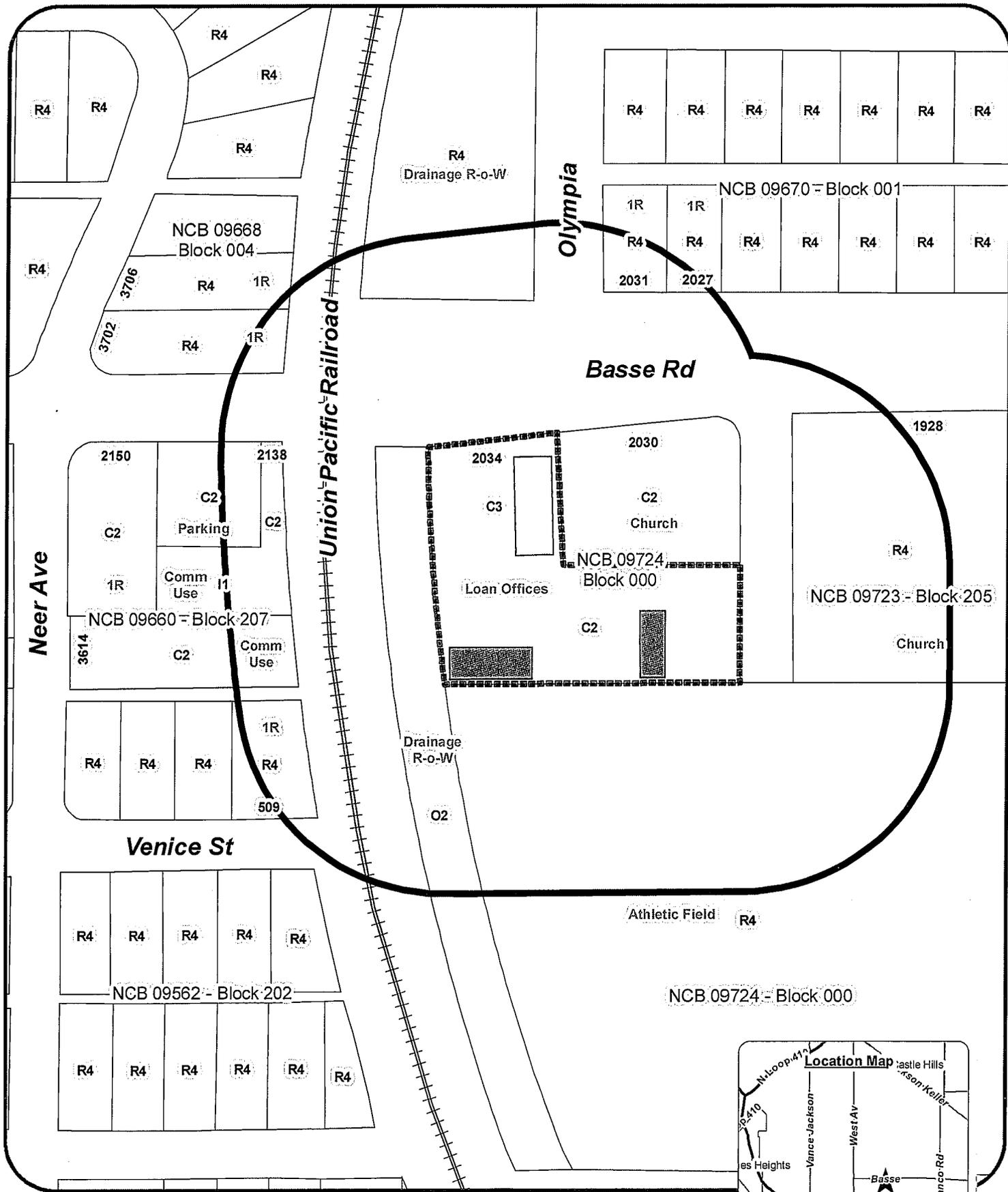
Employee ID	Last	First	MI	Comments
-------------	------	-------	----	----------

No Employee Entries

Log

Action	Description	Entered By	Start	Stop
--------	-------------	------------	-------	------

No Log Entries



Board of Adjustment
Notification Plan for
Case A-08-038



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 120'
 Council District 1



Produced by the City of San Antonio
 Development Services Department
 (02/14/2008)

Board of Adjustment - Case No. A-08-038

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Rene Lopez
Lot 7, NCB 9724
2038 Basse Road
Zoned: “C-2” Commercial District

The applicant is requesting a 25-foot variance from the minimum 30-foot rear setback required in “C-2” zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

A-08-038

Basse Rd

Drainage R-o-W

Existing Building

Lot 7
NCB 09724 - Block 000

30' Building Setback

Proposed Building
(1,600 sq. ft.)

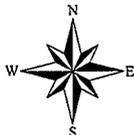
Proposed Building
(2,400 sq. ft.)

5' Between Proposed Building and Property Line

5' Between Proposed Building and Property Line

Board of Adjustment

Plot Plan for
Case A-08-038



Scale: 1" approx. = 50'
Council District 1

2034 Basse Rd

Produced by the City of San Antonio
Development Services Department
(02/13/2008)

CASE NO: A-08-038

Board of Adjustment – March 3, 2008

Applicant: Rene Lopez
Owner: Rene Lopez
Request(s): A 25-foot variance from the minimum 30-foot rear setback required in "C-2" zoning districts when abutting residential uses or residential zoning districts, in order to build a structure 5 feet from the rear property line.
Legal Description: Lot 7, NCB 9724
Address: 2038 Basse Road
Zoning: "C-2" Commercial District
Existing Use: Undeveloped land
Neigh. Assoc: Northwest Los Angeles Heights Neighborhood Association
Neigh. Plan: Greater Dellview Area Community Plan

Section of the City Code from which the variance is requested:

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 30-foot rear setback is required in "C-2" zoning districts when abutting residential uses or residential zoning districts.

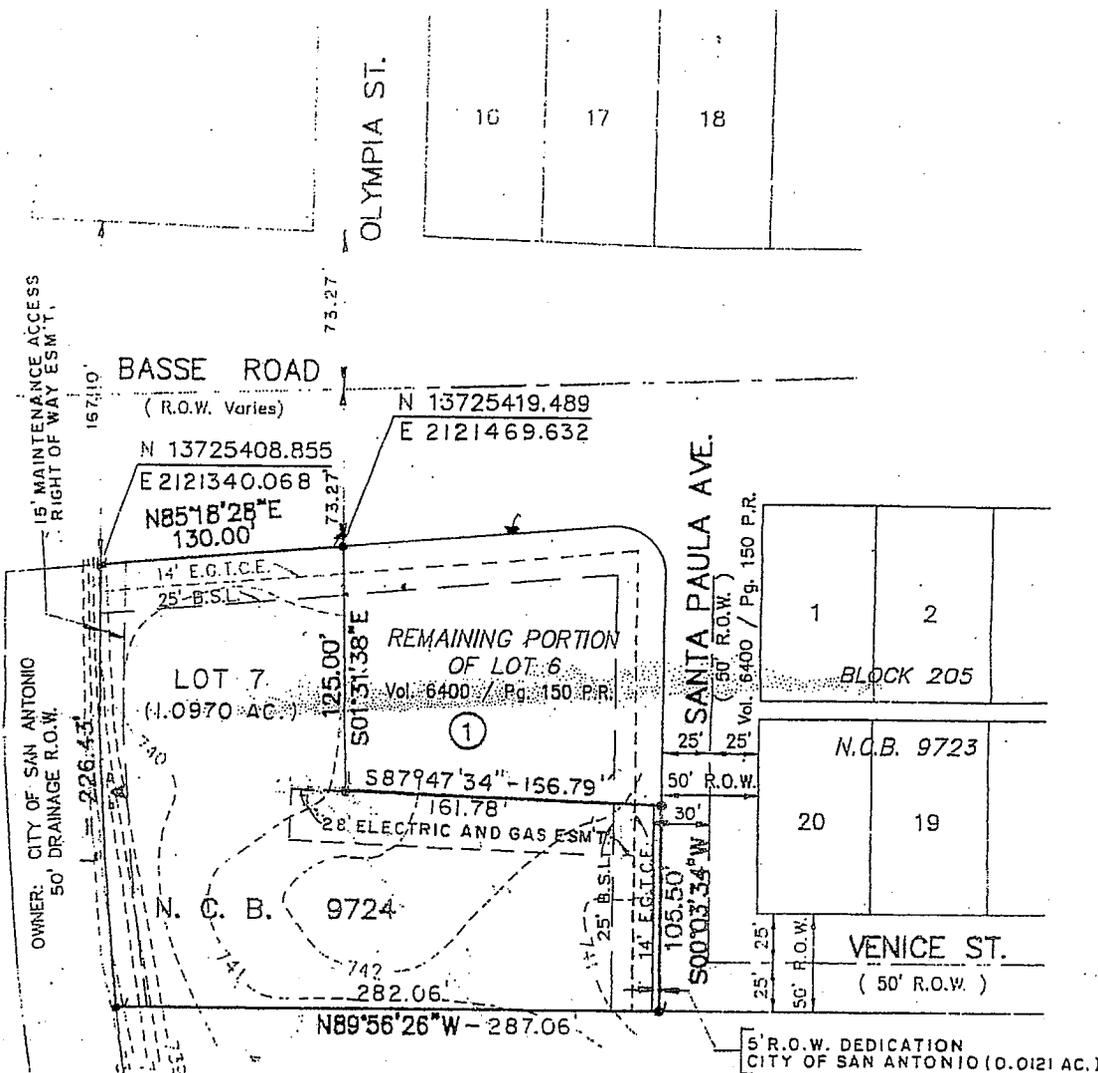
Background: The subject property is located on the City's north side, between West Avenue and Blanco Road, and just north of IH 10 West. The subject property is located on the south side of Basse Road and is undeveloped. Commercial zoning and uses are adjacent to the subject property to the east and residential zoning lies to the south. A 50-foot wide drainage easement abuts the subject property to the west. A maintenance access right-of-way easement and an electric and gas utility easement is situated on the undeveloped portion of this lot. The applicant is requesting a variance from the minimum rear setback requirements, in order to construct a 2,400 square-foot structure and a 1,600 square-foot structure that, as proposed, would encroach into the rear setback. The applicant is in the process of obtaining approval from the Development Services Environmental Section and the Land Entitlements Section, in order to meet the buffer yard requirements.

Recommendation: The intent of the rear setback requirement for commercial uses is to provide a reasonable buffer to protect abutting residences from the noise, light, and traffic typically generated by commercial uses, to allow for air flow and light penetration, and to prevent the overcrowding of lots. The property to the south is owned by the San Antonio Independent School District (S.A.I.S.D.) and is utilized as a soccer field; a use that would not be interfered with by the requested relaxation of the rear setback. In addition, a 15-foot maintenance access right-of-way easement and a 28-foot electric and gas utility easement exist on a portion of the site of the proposed construction (a copy of Plat No. 040350 showing the location of the easements is attached to the Board of Adjustment packet). Considering these factors, it appears the proposed structures, which would be located 5-foot from the rear property line, would not conflict with other structures or uses and would still observe the spirit and intent of the ordinance. Staff recommends **approval** of the requested variances.

Case Manager: David Arciniega, Planner (210) 207-6944

PLAT No. 040350

S.A. & A.P. R.R.
(100' R.O.W.)



TRACT 1
N.C.B. 9724
OWNER: SAN ANTONIO INDEPENDENT SCHOOL DISTRICT

OWNER LEGEND:

① AL STAR, INC. - REMAINING PORTION OF LOT 6

NOTE:

"OWNER SHALL PROVIDE SHARED CROSS ACCESS IN ACCORDANCE WITH UDC-35-506 (r) (3).

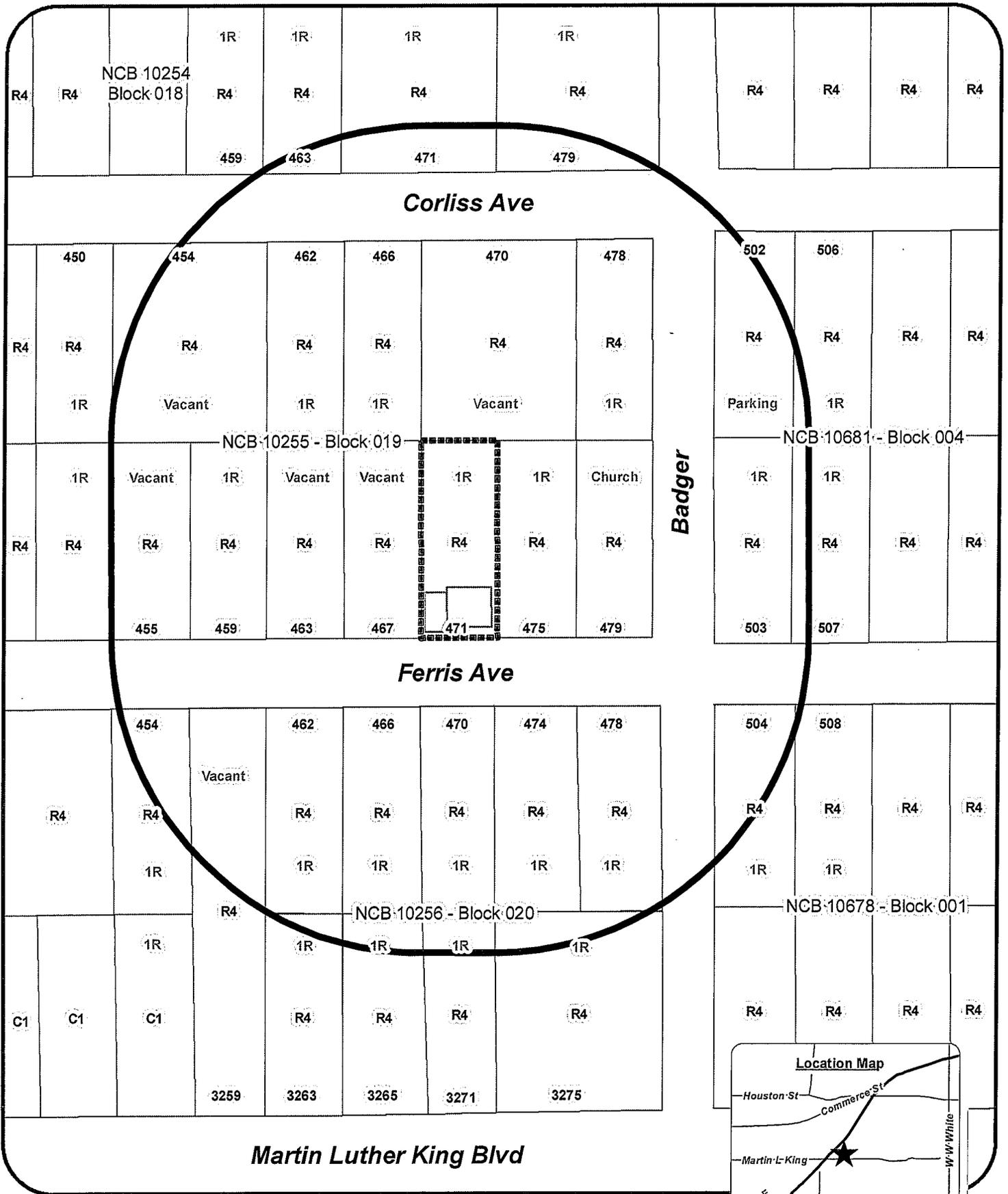
TE: OWNER WILL COMPLY WITH UNIFIED DEVELOPMENT CODE 35-512 DURING BUILDING STAGE.

REPLAT
OF

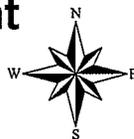
LOS ANGELES HEIGHTS SUBDIVISION

BEING A REPLAT OF LOTS 5 AND 6, N.C.B. 9724, LOS ANGELES HEIGHTS SUBDIVISION RECORDED IN VOL. 6400, PG. 150, DEED & PLAT RECORDS, AND ESTABLISHING LOT 7, N.C.B. 9724, SAN ANTONIO, BEXAR COUNTY, TEXAS.

Rat



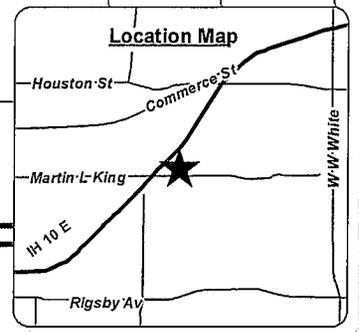
Board of Adjustment
Notification Plan for
Case A-08-039



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 2



Produced by the City of San Antonio
 Development Services Department
 (02/15/2008)

Board of Adjustment - Case No. A-08-039

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Aurelio Lara, Jr.

Lot 23, Block 19, NCB 10255

471 Ferris Avenue

Zoned: “R-4” Residential Single-Family District

The applicant is requesting 1) a 16-foot variance from the Unified Development Code requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from front property line, 2) a 3-foot variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in “R-4” zoning districts, in order to keep the same carport 2 feet from the side property line, and 3) a 6-foot variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet in order to keep a 8-foot, 6-inch tall predominantly open fence with a 10-foot tall driveway gate in the front yard.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Lot 23
NCB 10255 - Block 019

5' Side Setback

20' Front
Carport Setback

2' Between Existing
Carport and Side
Property Line

Existing
Carport
(approx. 15'w x 30'd x 16'h)

Existing
Residence

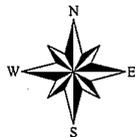
4' Between Existing
Carport and Front
Property Line

8' - 6" Iron Fence with
10' - 0" Iron Driveway Gate
on Front Property Line

Ferris Ave

Board of Adjustment

**Plot Plan for
Case A-08-039**



Scale: 1" approx. = 20'
Council District 2

471 Ferris Ave

Produced by the City of San Antonio
Development Services Department
(02/20/2008)

CASE NO: A-08-039

Board of Adjustment – March 3, 2008

Applicant: Aurelio Lira, Jr.
Owner: Aurelio Lira, Jr.
Request(s): 1) a 16-foot variance from the requirement that a minimum 20-foot front setback be maintained for front entry carports, in order to keep an existing carport 4 feet from front property line, 2) a 3-foot variance from the minimum 5-foot side setback required in "R-4" zoning districts, in order to keep the same carport 2 feet from the side property line, and 3) a 6-foot variance from the requirement that predominantly open fences in front yards be no taller than 4 feet, in order to keep an existing 8-foot, 6-inch tall predominantly open fence with a 10-foot tall driveway gate in the front yard.

Legal Description: Lot 23, Block 19, NCB 10255
Address: 471 Ferris Avenue
Zoning: "R-4" Residential Single-Family District
Existing Use: Single-Family Residence
Neigh. Assoc: None
Neigh. Plan: None

Section of the City Code from which these variances are requested:

35-516 Carport and Garage Setbacks: A 20-foot front setback is required between the back of the sidewalk or the property line and a front entry garage or carport,

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "R-4" zoning districts, and

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet.

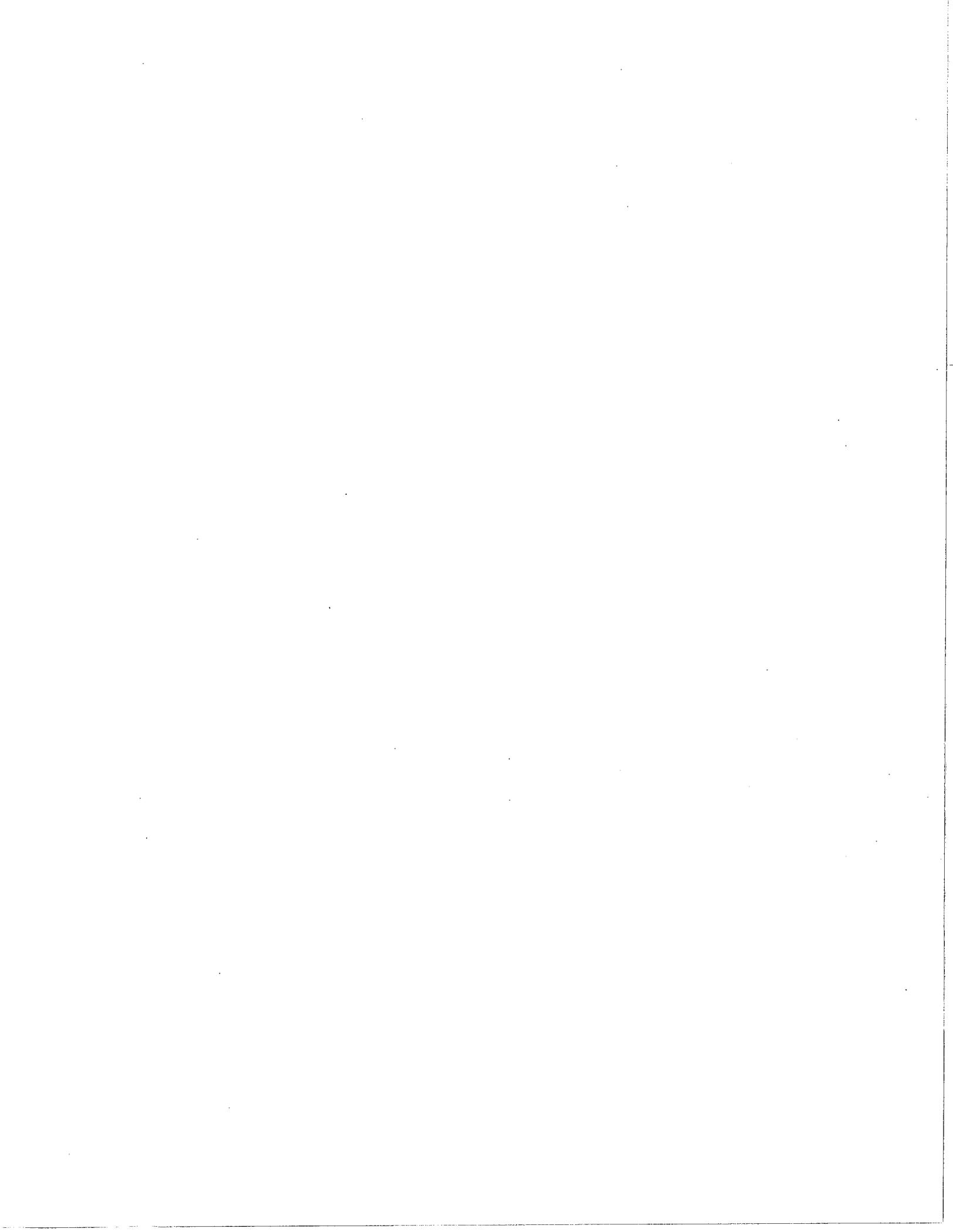
Background: The subject property is located in an established single-family residential neighborhood on the City's east side and is occupied by a single-family residence. The property is located on the north side of Ferris Avenue, north of Martin Luther King Drive, and east of Highway 90 East. Single-family residences surround the property. The applicant is proposing to keep the existing carport that encroaches into the front and side setback. The applicant built this carport without the required building permit. Further investigation revealed an existing 8-foot, 6-inch tall predominantly open fence with a 10-foot tall driveway gate in the front yard. The applicant also built this predominantly open fence without the required building permit.

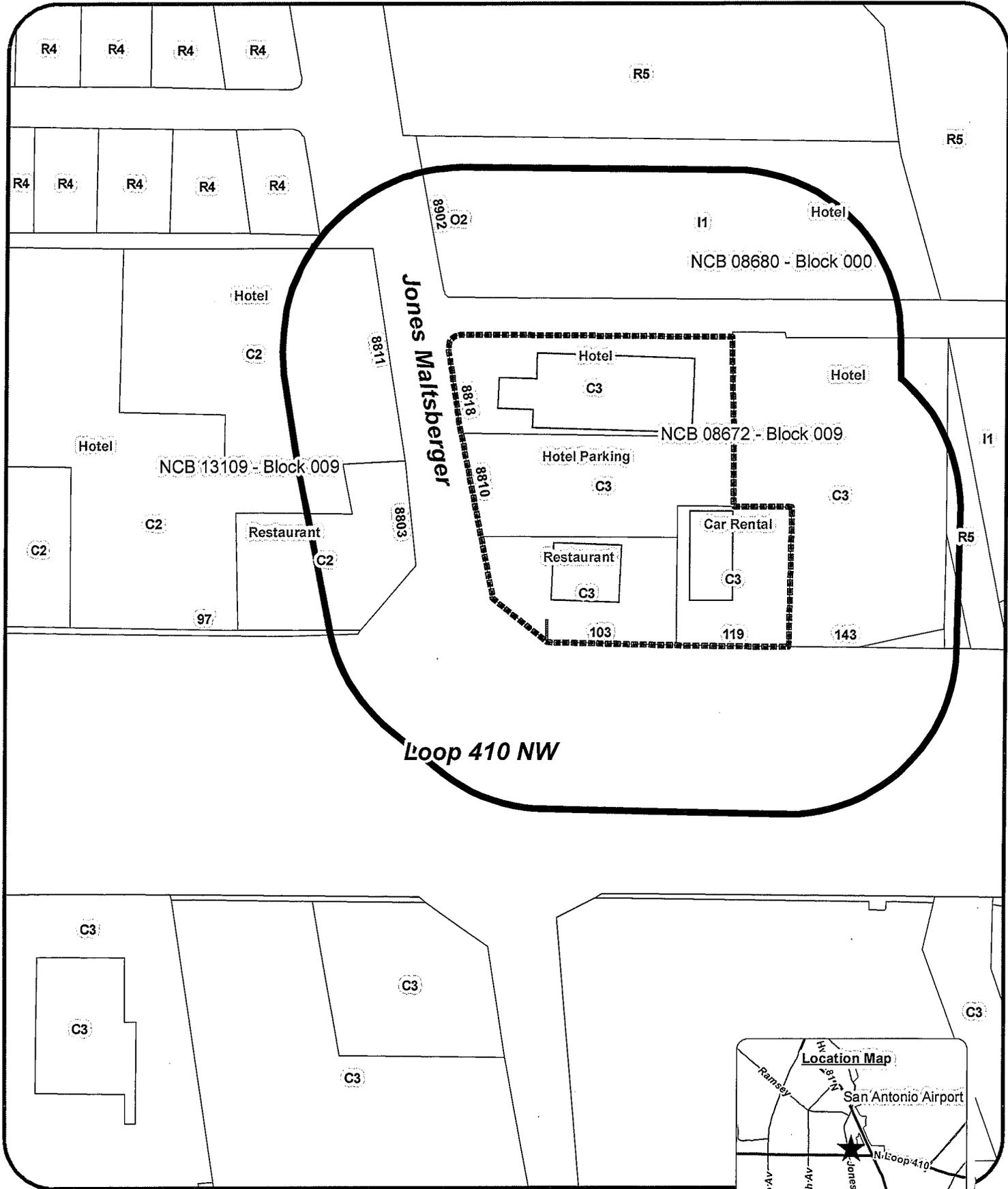
Recommendation: The intent of the front setback requirement for carports and garages is to maintain 20 feet of space to allow for additional off-street parking so that vehicles do not encroach into the sidewalk, right-of-way or on to the street. The intent of the side setback requirement is to allow for air flow, light penetration, neighborhood uniformity, to prevent the overcrowding of lots, and to maintain a reasonable amount of open space that is desired in single-family residential neighborhoods. This site does not appear to be characterized by any unique terrain features

where literal enforcement of the front and side setback requirement would result in an unnecessary hardship. Staff recommends **denial** of the requested variances.

The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. The fence height in front yards is also limited because its presence can detract from the streetscape and pedestrian friendliness of a neighborhood. Currently, no residences that are located on the 400 block of Ferris Avenue have fences taller than 4 feet in their front yards. The size and scale of the fence the applicant is proposing to keep is not consistent with existing conditions in the area. Staff recommends **denial** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944





Board of Adjustment
Notification Plan for
Case A-08-040



Legend
 Subject Property [dashed line symbol]
 200' Notification Buffer [thick solid line symbol]

Scale: 1" approx. = 150'
 Council District 9

Produced by the City of San Antonio
 Development Services Department
 (02/15/2008)

Board of Adjustment - Case No. A-08-040

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Drury Southwest, Inc.

The south 73.23 feet of Lot 37, Block 9, NCB 8672

8818 Jones Maltsberger

Zoned: “C-3” Commercial District

The applicant is appealing the decision of the Chief Sign Inspector to stop work on an on-premise free-standing pole sign, and the interpretation of 28-245(a) by the Chief Sign Inspector as it relates to this on-premise freestanding sign cabinet.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Northern Blvd

Jones Maltzberger

Existing Hotel

Existing Restaurant

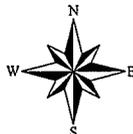
Existing Retail Store

S: 73.23 ft of Lot 37
NCB 08762 - Block 009

80' Tall Sign
(Sign Face is 24' - 6" W x 15' H)

Loop 410 NW

Board of Adjustment
Plot Plan for
Case A-08-040



Scale: 1" approx. = 80'
Council District 9

8818 Jones Maltzberger

Produced by the City of San Antonio
Development Services Department
(02/14/2008)

CASE NO: A-08-040

Board of Adjustment – March 3, 2008

Applicant: Drury Southwest, Inc.

Owner: Auburn Investments Inc.

Request(s): The applicant is appealing the decision of the Director of the Development Services Department to follow the Board of Adjustment's recommendation in Case A-08-024 to uphold the Chief Sign Inspector's decision to issue a stop work order for for the reconstruction of an on-premise free-standing pole sign, and the interpretation of 28-245 by the Chief Sign Inspector that the reconstruction of an on-premise freestanding sign cabinet from a nonconforming sign, without first obtaining the proper approvals, resulted in the termination of nonconforming rights to the sign.

Legal Description: The south 73.23 feet of Lot 37, Block 9, NCB 8672

Address: 8818 Jones Maltsberger Road

Zoning: "C-3" Commercial District

Existing Use: Hotel/Motel

Neigh. Assoc: None

Neigh. Plan: None

Sections of the City Code justifying this request:

28-246 Appeals and variances to Article IX of Chapter 28 of the City Code: Any decision based on an interpretation of Article IX made by the Chief Sign Inspector may be appealed to the Board of Adjustment. After hearing the parties, the Board shall make a recommendation to the Director of Development Services to either uphold or to modify the inspector's decision.

28-247 Variance and Appeals Procedures: Any person requesting to appeal a decision of the director of Development Services shall submit a written request.

35-481 Appeals to the Board of Adjustment: Any person aggrieved by the decision of an administrative official may appeal that decision to the Board of Adjustment.

Background: The subject property is located on the City's north side, outside of Northeast Loop 410, between McCullough Avenue and US 281 North and Vance Jackson Road. The subject property lies on the eastside of Jones Maltsberger Road and is utilized as a hotel. Commercial and office zoning and uses surround the subject property. A Best Western Inn hotel currently occupies the subject property. An existing on-premise free-standing pole sign is oriented to the northeast corner of Northeast Loop 410 access road and Jones Maltsberger Road. Expressway standards apply to the property allowing for a 50 foot tall sign with a total of 375 square feet of sign face area. The pole sign in question is 80 feet tall and supports one sign cabinet. The applicant received a permit requesting to reface the existing nonconforming sign cabinet. The Chief Sign Inspector later issued a stop-work order for the reconfiguring of the on-premise free-standing pole sign based on the Inspector's interpretation of Section 28-245(1), which states that freestanding pole signs that are nonconforming may be only be refaced and/or have general maintenance performed as defined in this chapter. 28-6

Reface as it pertains to on-premise signs, shall be defined as replacing, restoring, repainting or repairing the existing advertising sign face area which is attached, annexed, or supported from the sign cabinet and/or main structure. It shall not include any rebuilding, reconstruction or reconfiguration of the existing sign cabinet and/or existing support structure.

Recommendation: *PENDING*

Case Manager: David Arciniega, Planner (210) 207-6944

David Simpson, Chief Sign Inspector (210) 207-8289

#69773

Board of Adjustment
Application for Appeal of Sign Regulations

Date 1-31-08

Received by: A 08-040

Applicant Kevin Whitfield Firm Drury Southwest

Mailing Address 11331 Coker Loop East Phone No. 210-490-4779

Property Owner's Name Drury Southwest Project Name Best Western Sign

Project Address 8818 Jones Maultsberger Rd.

Legal Description Lot 36 Block 9 NCB 8672 Zoning C3

Type of Appeal (a) Request for variance Article IX, Chapter 28 (Filing Fee \$300.00)
(b) Interpretation of Article IX, Chapter 28 (Filing Fee \$150.00)

Section(s) of Article IX, Chapter 28 being appealed Sec. 2-245(a) interpretation

State Specific appeal: The existing sign is a trademark logo that is to be re-faced. The new re-facing had the corners squared off and in no fashion increased the life span of the sign so it would meet the intent of Sec. 2-245(a) commentary.

Reason for Appeal (state specific hardship if requesting appeal for variance):

The existing sign was a trademark logo that is being re-faced to avoid litigation.

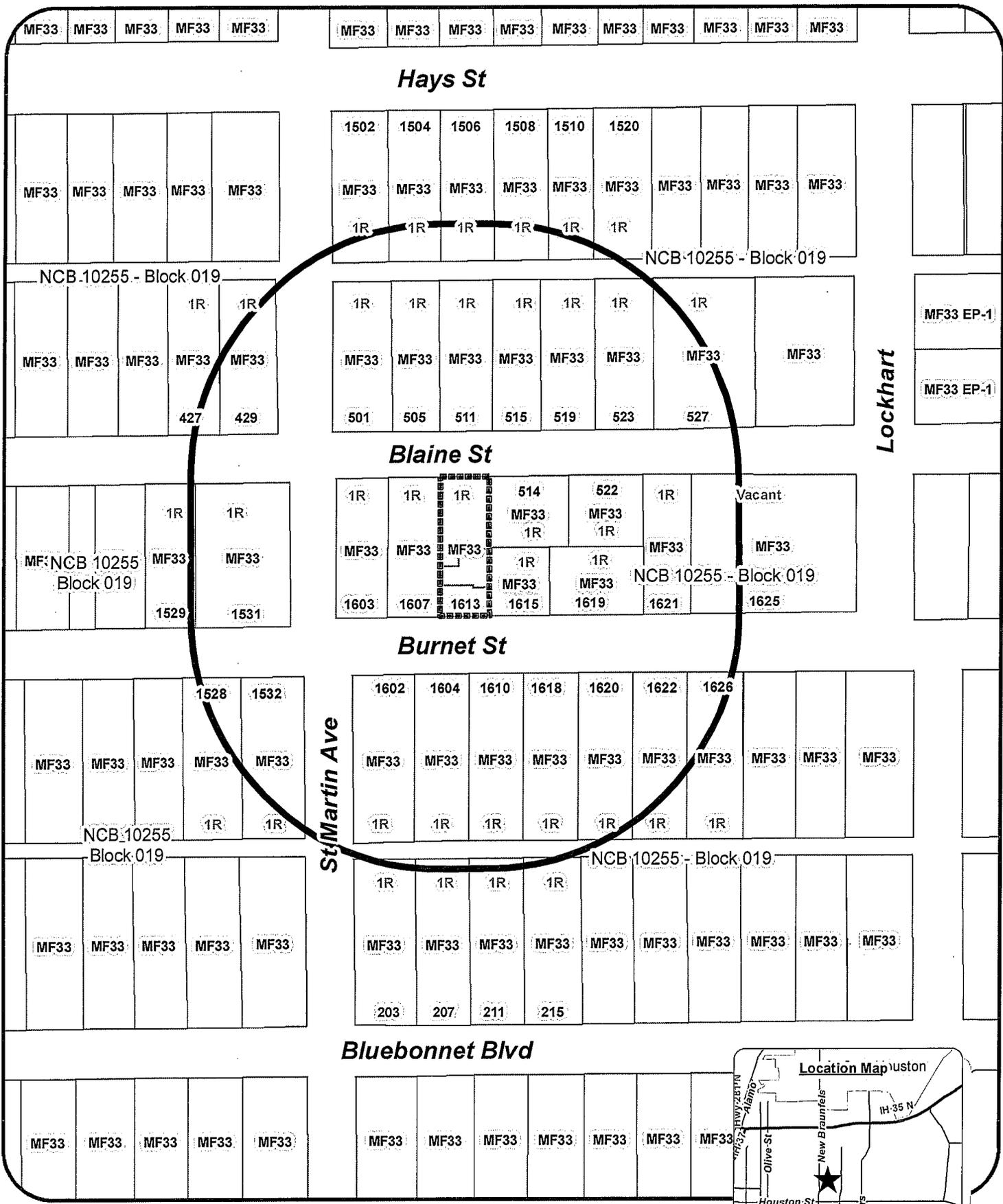
Charles Edens
Applicant's Signature

Complete if applicable.

I hereby authorize Charles Edens of Edens, Inc

located at 8634 Crownhill #2 to represent me in matters pertaining to this case.

Kevin Whitfield
Owner's Signature



Board of Adjustment
Notification Plan for
Case A-08-041



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 100'
 Council District 2



Produced by the City of San Antonio
 Development Services Department
 (02/15/2008)

Board of Adjustment - Case No. A-08-041

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – William Hodge
Lot 3, Block 35, NCB 1333
1613 Burnet Street
Zoned: “MF-33” Multi-Family District

The applicant is requesting **1)** a Special Exception, as required in the Unified Development Code, for the relocation of a residential structure from 1414 Gorman Street to 1613 Burnet Street and **2)** a 3-foot, 6-inch variance from the Unified Development Code requirement that a minimum 5-foot setback be maintained in “MF-33” districts to keep a residential structure 1-foot, 6-inches from the side property lines.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

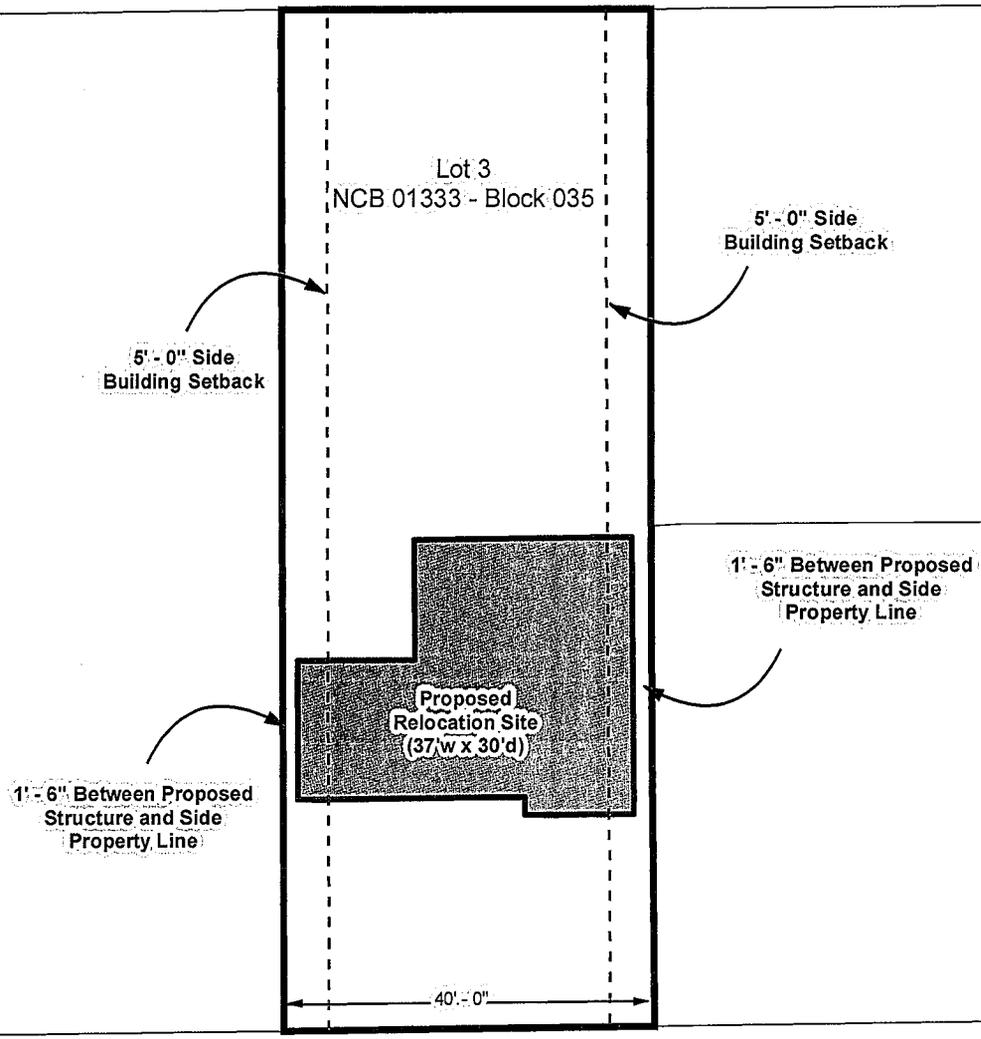
() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

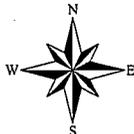
A-08-041

Blaine



Burnet St

Board of Adjustment
Plot Plan for
Case A-08-041



Scale: 1" approx. = 20'
Council District 2

1613 Burnet St

Produced by the City of San Antonio
Development Services Department
(02/19/2008)

CASE NO: A-08-041

Board of Adjustment – March 3, 2008

Applicant: William Hodge
Owner: William Hodge
Request(s): 1) A Special Exception to relocate a residential structure from 1414 Gorman Street to 1613 Burnet Street, 2) a 3-foot, 6-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained in "MF-33" districts to keep a residential structure 1-foot, 6-inches from the side property lines.

Legal Description: Lot 3, Block 35, NCB 1333

Address: 1613 Burnet Street

Zoning: "MF-33" Multi-Family District

Existing Use: Single-Family Residence

Neigh. Assoc: Harvard Place/Eastlawn Neighborhood Association

Neigh. Plan: Arena District/Eastside Community Plan

Sections of the City Code from which these variances are requested:

Section 35-399.03: Relocation of Buildings and Structures: The relocation of any residential building or structure shall not be undertaken unless and until a special exception is approved by the Board of Adjustment.

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "MF-33" zoning districts.

Background: The subject property is located in an established single-family residential neighborhood east of the central business district. This subject lot (the lot to which the house is question is proposed to be moved) is located on Burnet Street, bound by St. Martin Street to the west and Lockhart Street to the east. This lot is surrounded by single-family residential uses, which are zoned MF-33. This structure is proposed to be used as a single-family dwelling. The structure appears to conform to the character of the blockface on which it is proposed to be moved. The applicant has indicated that improvements will be made to the structure after it is moved to its new location on Burnet Street. However, upon site inspection, the structure does not appear it would meet the necessary 5-foot side setback requirements as per the UDC. The subject lot is approximately 40-feet wide. The structure is approximately 37-feet wide, which would only allow for approximately a foot and a half for the side setbacks. The site plan, as submitted by the applicant, errantly shows a 6-foot side setback on the west side setback and a 7-foot side setback on the east side of the property.

Recommendation: The following attributes characterize the majority of existing single-family homes in the area (Proposed Relocation spreadsheet attached):

- Horizontal Siding (Wood or Synthetic Material)

- Gable Roofs
- Covered Front Porches or Entryways with Doors that Face the Street

Staff finds the structure proposed to be moved to be similar in style and scale to the adjacent single-family homes in the area. The applicant has submitted a plan for interior and exterior improvements that, once completed, will bring the condition of the structure that is proposed to be moved in-line with the other homes in the area. As a condition of this Special Exception request, the applicant has agreed to make all repairs necessary to bring the structure into compliance with all applicable City Codes within 90 days, as per Section 6-137 of the City Code.

While the house itself is in harmony with the houses in the surrounding neighborhood in terms of size, age, and quality of construction, the house would not meet the required 5-foot side setbacks. If the structure were to be moved to the proposed destination lot on Burnet Street, an unnecessary burden would be placed upon the neighbors to the east and west of the subject property. Therefore, Staff recommends **denial** of the Special Exception request and **denial** of the variance request.

Case Manager: Mike Farber, Planner (210) 207-3074

BOARD OF ADJUSTME. ;
Special Exception for Relocation

Case #: A-08-041

Proposed Relocation
 FROM: 1414 Gorman
 TO: 1613 Burnet

Meeting Date:
 March 3, 2008

Compatibility Standard	Existing Condition (5 Single-Family Residences that Front on the Block of Burnet)	Applicant's Proposed Condition
Lot Size	Range: 2928-4575 sf	4363 sf
Structure Age	Range: 1915-1949 Median: 1949 Avg: 1938	1930
Structure Size (Living Area Only)	Range: 948-1397 sf Avg: 1079 sf	891 sf
Structure Height	Range: 1 story	1 story
Setbacks (Front)	Range: 18-25 ft	25 ft
Structure Width (front facade)	Range: 20-40 ft	37 ft
Garage/Carport Location & Setback	Primarily Car Ports	None Proposed
Front Entry, Porch, Walkway	Doors that face the street, most with covered porches or entryways	Door Faces Street; Covered Front Porch
Windows (front facade)	Number: 2 or more Type: Vertically or Horizontally Hung	3 Vertically Hung
Building Materials	Exterior siding: Horizontal/vertical siding-wood or synthetic Roofing: Composition Shingle	Horizontal Siding Composition Shingle
Foundation Type	Pier and Beam	Pier and Beam

BOARD OF ADJUSTME
Special Exception for Relocation

Case #: A-08-041

Proposed Relocation
 FROM:1414 Gorman
 TO: 1613 Burnet

Meeting Date:
 March 3, 2008

Compatibility Standard	Existing Condition (5 Single-Family Residences that Front on the Block of Burnet)	Applicant's Proposed Condition
Roof Line/Pitch	Front or Side Gable	Side Gable
Impervious Cover %		
Sidewalk Width/ Placement, Greenway	3' Sidewalks along the curb	None Proposed
Curb Cut & Driveway Width	Single or double width curb cut and concrete, caliche, or unimproved driveway	None Proposed
Fencing	Some with 4-ft tall chain link	None Proposed

INSPECTOR'S REPORT

Structurally Sound to Be Moved:

YES

NO

1. FROM 1414 GORMAN 2. TO 1613 BURNET

3. PRESENT USE: VACANT PROPOSED USE: RESIDENTIAL

4. BUILDING WIDTH: 33' LENGTH: 27' HEIGHT: 14' STORIES: 1

5. ROOF TYPE: SHED _____ GABLE HIP _____ OTHER _____ CONDITION FAIR

6. BUILDING CONDITION: GOOD _____ FAIR BAD _____ OUT OF PLUMB _____

7. SILLS: DBLE 2X6 UNDER SIZE: _____ OVERSPANNED _____ SUBSTANDARD _____ CONDITION FAIR

8. 1ST FLOOR JOISTS: 2X6 UNDERSIZE: _____ PROPERLY SUPPORTED _____ SUBSTANDARD _____

OVERSPANNED _____ NO BLOCKING _____ NO BRIDGING _____ CONDITION FAIR

9. 2ND FLOOR JOISTS: N/A UNDERSIZE: _____ PROPERLY SUPPORTED _____ SUBSTANDARD _____

OVERSPANNED _____ NO BLOCKING _____ NO BRIDGING _____ CONDITION _____

10. STUDS: (1) UNDERSIZE _____ OVERSPACED _____ SUBSTANDARD _____ BLOCKING _____ CONDITION _____

11. HEADERS: (1) PROPERLY SUPPORTED _____ UNDERSIZE _____ CONDITION _____

12. PLATES: SINGLE (1) DOUBLE _____ PROPERLAP _____ SUBSTANDARD _____ CONDITION _____

13. CEILING JOISTS: (1) SUBSTANDARD _____ OVERPANNED _____ SPLICED _____ CONDITION _____

14. RAFTERS: (1) SUBSTANDARD _____ OVERPANNED _____ BRACES _____ CONDITION _____

15. EXTERIOR WALL COVERING: MATERIAL VINYL SIDING NEED PAINT Y NEEDS REPAIR Y CONDITION FAIR

16. INTERIOR WALLS: MATERIAL (1) NEED REPAIR _____ NEED RECOVERING _____ CONDITION _____

17. ROOF SHEATHING: CONDITION (1) NEED REPAIR _____ NEED REPLACING YES

18. ROOF COVERING: MATERIAL SHINGLES CONDITION _____ NEED REPAIR _____ NEED REPLACING _____

19. PORCHES: NO. 2 NEED REPLACING YES 20. DOORS AND/OR WINDOWS: CONDITION FAIR

21. FLOOR CONDITION: (1) 22. SANITARY FACILITIES: (1) 23. KITCHEN FACILITIES (1)

24. CEILING HEIGHT: (1) 25. FIRE DAMAGE: NO 26. NO. OF ACCESSORY BUILDINGS: 0

TYPE _____ CONDITION _____

27. IN YOUR OPINION WHAT IS THE AGE OF STRUCTURE: 40+ YEARS

REMARKS: (1) STRUCTURE IS SECURED AND UNABLE TO MAKE INTERIOR INSPECTION
(2) STRUCTURE APPEARS TO BE STRUCTURALLY SOUND.
STRUCTURE OK TO RELOCATE

APPROVED: _____ DISAPPROVED _____ RECOMMENDATION: _____
DATE INSPECTED: 2/25/08 INSPECTOR: Ermert Martorey

**NEIGHBORHOOD AND URBAN DESIGN DIVISION
BOARD OF ADJUSTMENT CASE REVIEW FORM**

CASE INFORMATION

Case #: **A-08-041**

Property Address: (move from) 1414 Gorman to 1613 Burnett

Hearing Date: 03/03/08

Type / Scope of BOA Request:

Permit request to move a building

PLANNING PROGRAM / PROJECT OVERLAP

Neighborhood Association(s): Harvard Place – Eastlawn Neighborhood Association (covers both addresses)

Neighborhood or Community Plan: Arena District/Eastside Community Plan

Neighborhood Conservation District: n/a

Corridor Overlay District (name or n/a): n/a

ANALYSIS STATEMENT

The structure is being moved from one residential neighborhood to another. It seems that the residential home would conform to existing uses surrounding the proposed site. On page 48 of the plan, within the Residential Development section, it states that a priority effort is home renovation and aggressive code enforcement. A secure foundation and permits for all necessary repairs should be verified before the move is made to ensure the integrity of the existing neighborhood to which the move is planned.

RECOMMENDATION

Recommendation Pending Additional Analysis / Information _____

Support Request X

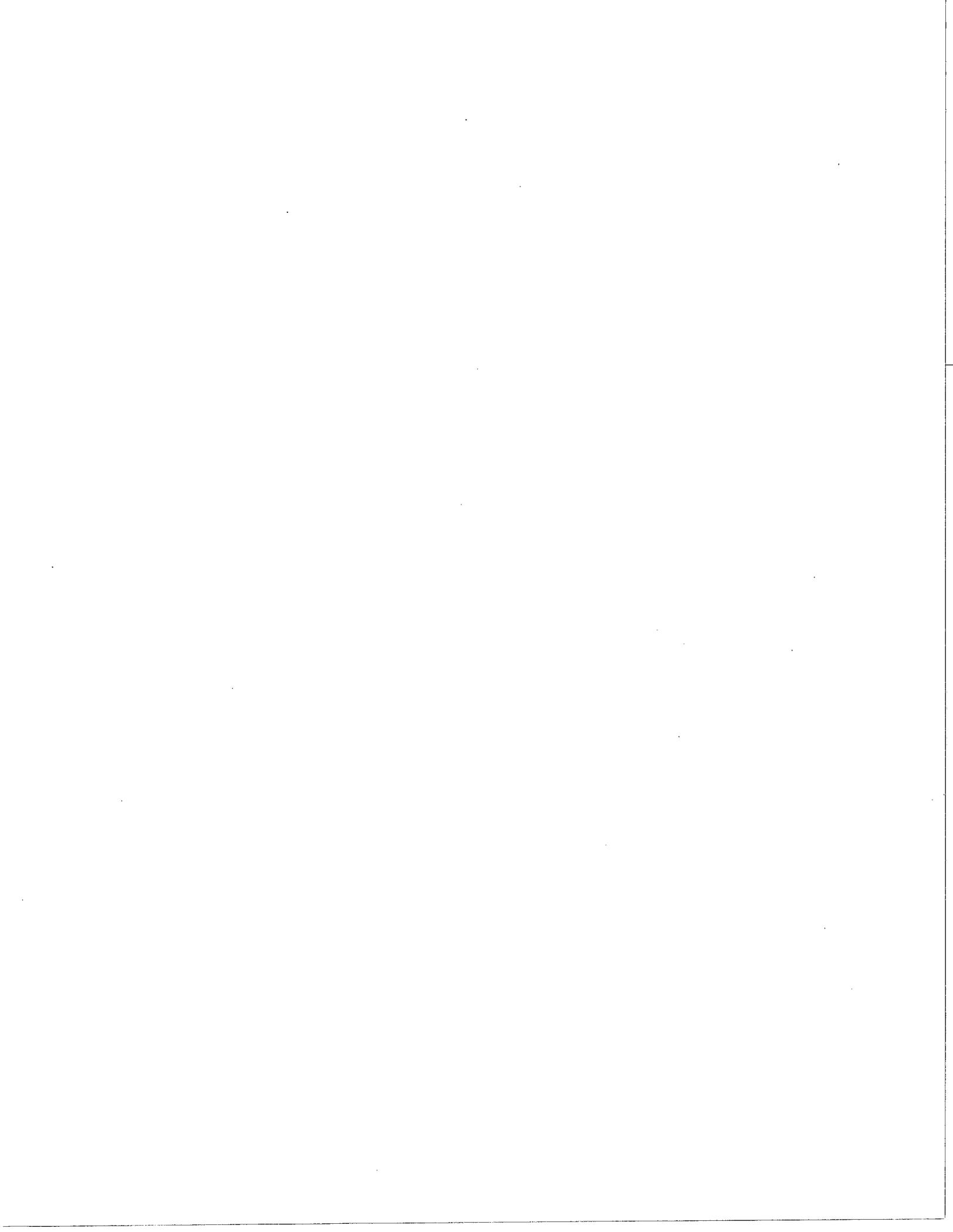
Deny Request _____

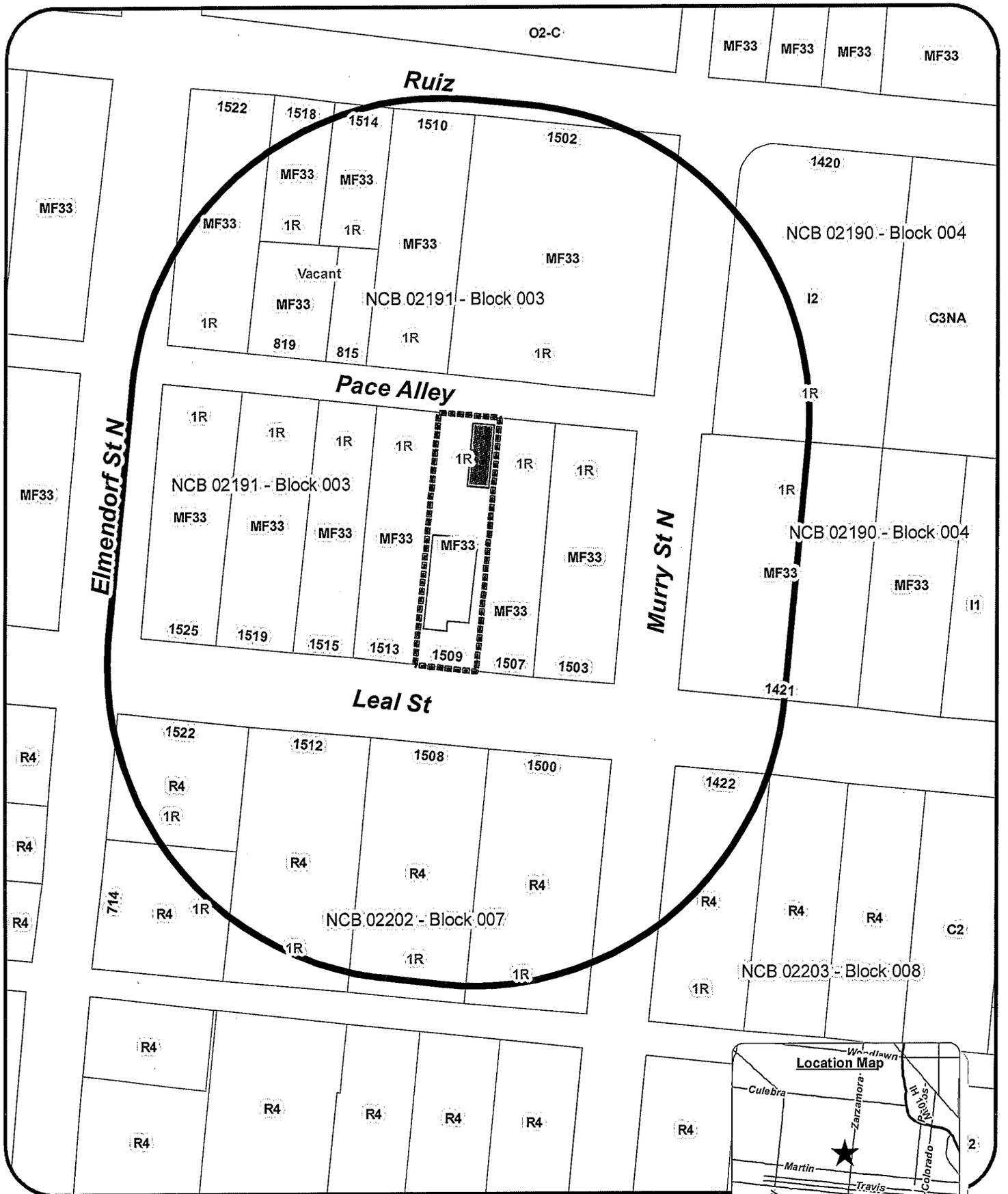
Alternate _____ Explain:

REVIEWER INFORMATION

Neighborhood Planner Reviewing: Andrea Gilles, Sr. Planner

Date Review Completed: February 14, 2008





Board of Adjustment
Notification Plan for
Case A-08-042



Legend

Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 5



Produced by the City of San Antonio
 Development Services Department
 (02/15/2008)

Board of Adjustment - Case No. A-08-042

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – Norma and Manuel Guerrero
Lot 10 B, Block 3, NCB 2191
1509 Leal Street
Zoned: “MF-33” Multi-Family District

The applicant is requesting a 1-foot, 11-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained for secondary residences, in order to keep the same structure 3-feet, 1-inch from the side property line.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager Mike Farber at 207-3074 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Whether or not you attend this public hearing, please complete and return the cut-out portion below to the Development Services Department, 1901 South Alamo Street, San Antonio, Texas 78204. Thank you.

If you wish to comment, please complete, clip out and return this portion of the notice prior to the date of the public hearing.

Si usted desea hacer un comentario, por favor devuelva esta tarjeta antes de la audiencia publica.

Name/Nombre: _____ Telephone/Telefono: _____

Address/Direccion: _____

Lot/Lote: _____ Block/Cuadra: _____ NCB: _____

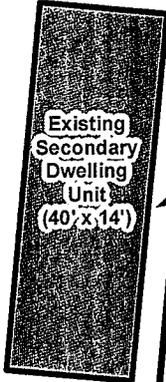
() In Favor/A Favor

() In Opposition/En Oposicion

Comments/Comentarios: _____

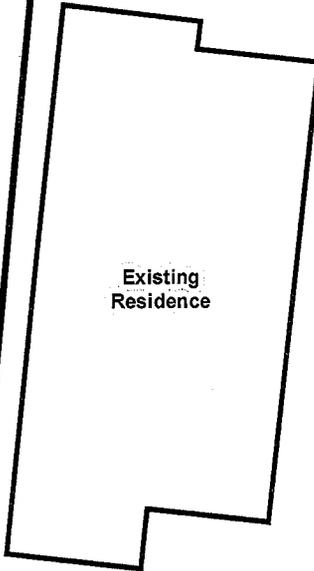
A-08-042

Pace Alley



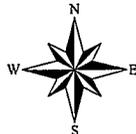
3' - 11" Between
Structure and Side
Property Line

Lot 10B and W. 12.84 ft of Lot 11A
NCB 02191 - Block 003



Leal St

Board of Adjustment
Plot Plan for
Case A-08-042



Scale: 1" approx. = 20'
Council District 5

1509 Leal St

Produced by the City of San Antonio
Development Services Department
(02/14/2008)

CASE NO: A-08-042

Board of Adjustment – March 3, 2008

Applicant: Norma and Manuel Guerrero
Owner: Norma and Manuel Guerrero
Request(s): A 1-foot, 11-inch variance from the Unified Development Code requirement that a minimum 5-foot side setback be maintained for secondary residences, in order to keep the same structure 3-feet, 1-inch from the side property line.
Legal Description: Lot 10 B, Block 3, NCB 2191
Address: 1509 Leal Street
Zoning: "MF-33" Multi-Family District
Existing Use: Single-Family Residence
Neigh. Assoc: Prospect Hill Neighborhood Association
Neigh. Plan: None

Sections of the City Code from which this variance is requested:

Section 35-310 Zoning District Purpose Statements and Design Regulations: A minimum 5-foot side setback is required in "MF-33" zoning districts.

Background: The subject property is located in an established single-family residential neighborhood just west of the central business district, on Leal Street. The properties directly adjacent to the subject property to the east and west are zoned MF-33, while the single-family residences to the south on Leal Street are zoned R-4. The existing structure is a secondary dwelling unit located at the rear of the lot, on which construction began but was never completed by the previous owners. The construction of the structure was begun without the proper permits and encroaches into the side setback. The applicant applied for, and was subsequently denied, a building permit by the City on January 3, 2008. The applicant is asking for a variance to allow the building to remain with its current setbacks so that construction may resume. This case was brought before the board due to a citizen complaint.

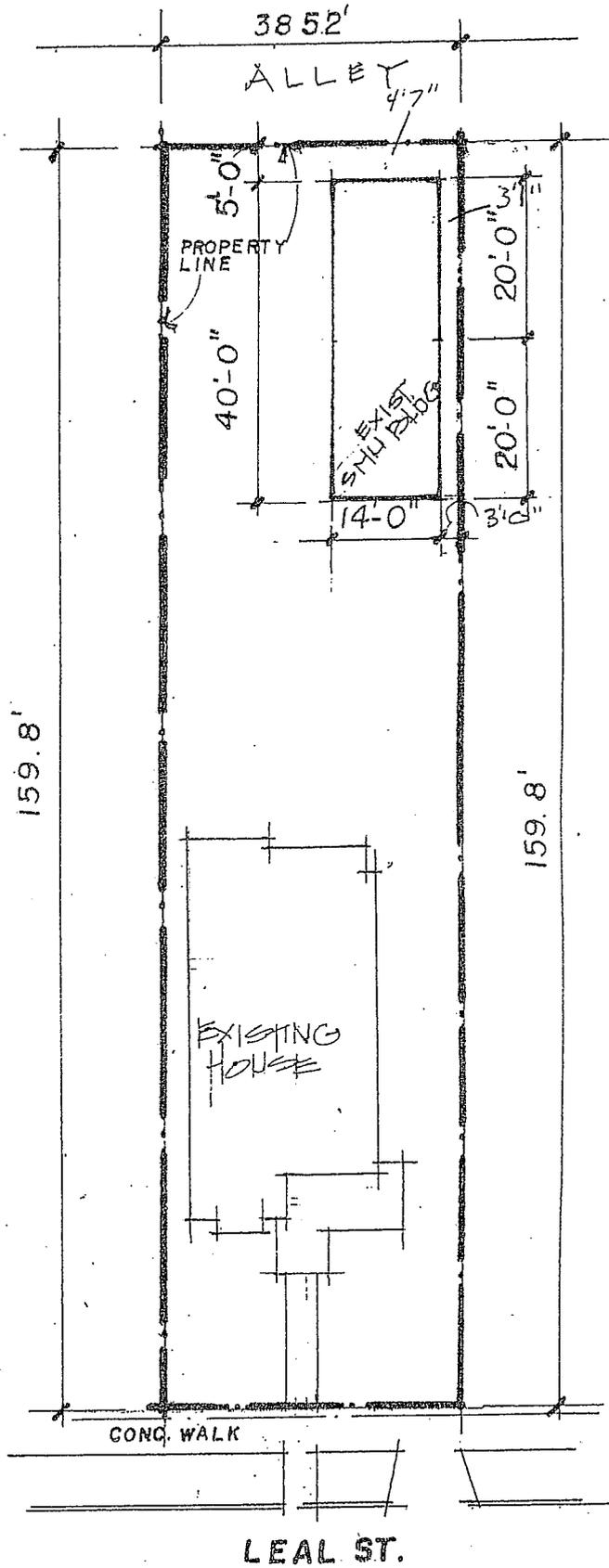
Recommendation: The intent of the side and rear setback requirements is to allow for air flow, light penetration, neighborhood uniformity, and to prevent the overcrowding of lots and help achieve a reasonable amount of open space desired in single-family residential neighborhoods. While the City encourages continued investment in existing housing stock, any improvements should be made in accordance with development regulations to protect the health, safety and welfare of the public. This parcel does not appear to be characterized by any unique terrain features where literal enforcement of the side and rear setback requirements would result in unnecessary hardship. The required rear setback is already significantly less than the normally required 10 feet because the lot abuts a public alley. Section 35-516(c) of the Unified Development Code states that on lots that abut a public alley which is not part of a platted lot, one-half (1/2) of such alley, up to a maximum of 15 feet, may be considered as part of the minimum required rear or side yard. The alley behind the subject property measures 12-feet, six-inches in width, thus, this structure is allowed a rear setback of 6-feet, 3-inches. The structure

currently sits 4-feet, 7-inches from the rear property line.

Staff recommends **denial** of the requested variance.

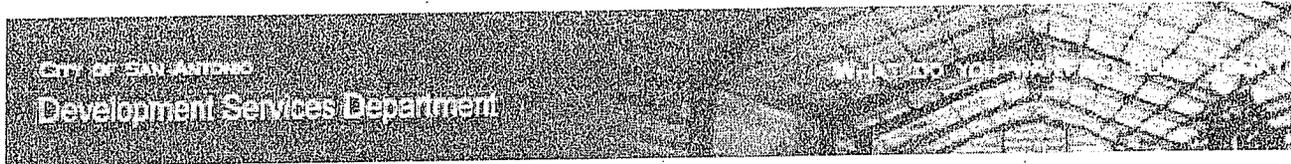
Case Manager: Mike Farber, Planner (210) 207-3074

NORTH



SITE PLAN * SCALE: 1" = 20"

LOT - 10.B - BLOCK - 3 - NCPD - 21911



[Back](#)

Act Type:	Status:	Status By:	Waived:	Issued:	Started:	Started By:	Compl
BUILDING	DENIED	RE15210	N	1/3/2008 4:19:00 PM	1/4/2008 10:47:00 AM	RE15210	1/4/2 11:27 AM
TREE	APPROVED	AA11919	N	1/4/2008 11:31:00 AM	1/9/2008 8:13:00 AM	AA11919	1/9/2 8:13:
ADDITION							

[Back](#)

Legend	
Logon Id:	Name:
AA11919	AMPARO ARRIAGA
RE15210	RANDY ESPARZA

[Back](#)

[Main Menu](#)

[Dynamic Portal](#)

[SERVICES](#) | [LIVING IN SA](#) | [BUSINESS IN SA](#) | [GOVERNMENT](#) | [VISITING SA](#)
[COMMUNITY PORTAL HOME](#) | [CITY DISCLAIMER](#) | [TEXT ONLY](#)
[Contact Customer Service](#)

Website best viewed using [Microsoft Internet Explorer 5.0 and above](#) or [Netscape 6.2](#) with screen resolution settings of 800x600.

City of San Antonio

Development Services Department

11/15/2007 10:00:00 AM

Log Entries [Back](#)

Comments:

Prob Entries

Comments:

1. As per IRC 317.1 smoke alarms shall be installed in each sleeping room, outside or in the immediate vicinity of all separate sleeping areas and each additional story. 2. Please provide dimensions & location of the Attic Access Per IRC 807.1. See IRC 309.2 if Attic Access is located in garage. 3. As per IRC 602.10.1 wall brace is required on all residential houses. Indicate, on the floor plans, the method(s) and location of wall bracing as per IRC 602.10 and IBC 2308.9 wall panels shall be clearly indicated on the plans. 4. Existing and New (CMU) walls need to be Engineered. 5. Foundation needs to be Engineered to assure secondary floor structural stability. 6. Per Section 35-371 UDC Accessory detached dwelling units shall require a minimum setback from the rear and side property lines of (5) feet. Side setback on site plan shows (3) feet. 7.

Report Date 02/13/2008 02:16 PM

Submitted By

Page 1

Case # 67879

Case Information

Stages

Associated Information

Date / Time	By	Case Group	PERMIT	WORKING	W/O PERMIT	Auto Reviews
Processed 11/27/2007 16:15	MG01616	Priority P2			MED PRIORITY	<input type="checkbox"/>
Resolved		Resolution Code				
Expires		Source	CALL		CITIZEN DIRECT CALL	
		Name				

Applications Affected

Building Application Project Application Use Application License Application Case

Description of Case

BUILDING W/O PROPER PERMITS ////11/28/07 OWNER IS BUILDING 2ND STORY ABOVE EXISTING FIRST STORY, LEFT SLIP//// 11/10/07 TALKED TO RUSSEL FELAN(ARCHITECT) AND SAID THE SHOULD APPLY FOR PERMIT BY NEXT WED. RR121/////12/24/07 no permit pulled. talked to r. felan and he was to ha ve something by last friday. refer investigation to e. martinez...rr121

Project #	Project/Phase Name	Phase #
Size/Area	Size Description	

Customer Service Service #	Problem	Resolution Code	Resolved Date
----------------------------	---------	-----------------	---------------

No Customer Service Log Entries

Property/Site Information

Address 1509 LEAL ST
SAN ANTONIO TX 78207-0000

Location

Owner/Tenant

There are no contacts for this site

Linked Addresses

No Addresses are linked to this Application

A/P Linked Addresses

No Addresses are linked to this Application

Linked Parcels

20028

A/P-Linked Parcels

No Parcels are linked to this Application

Applicants/Contacts

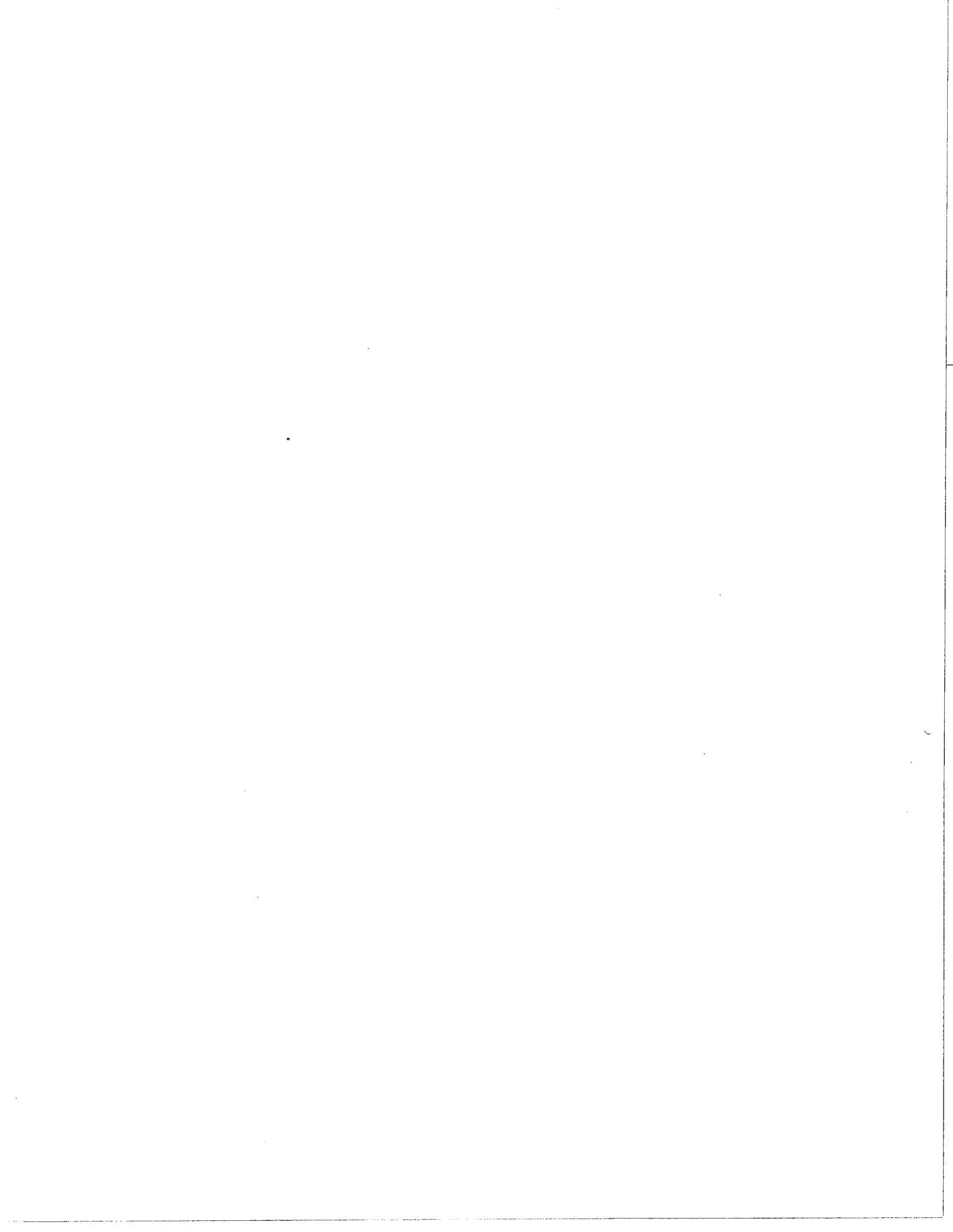
No Applicant Contacts

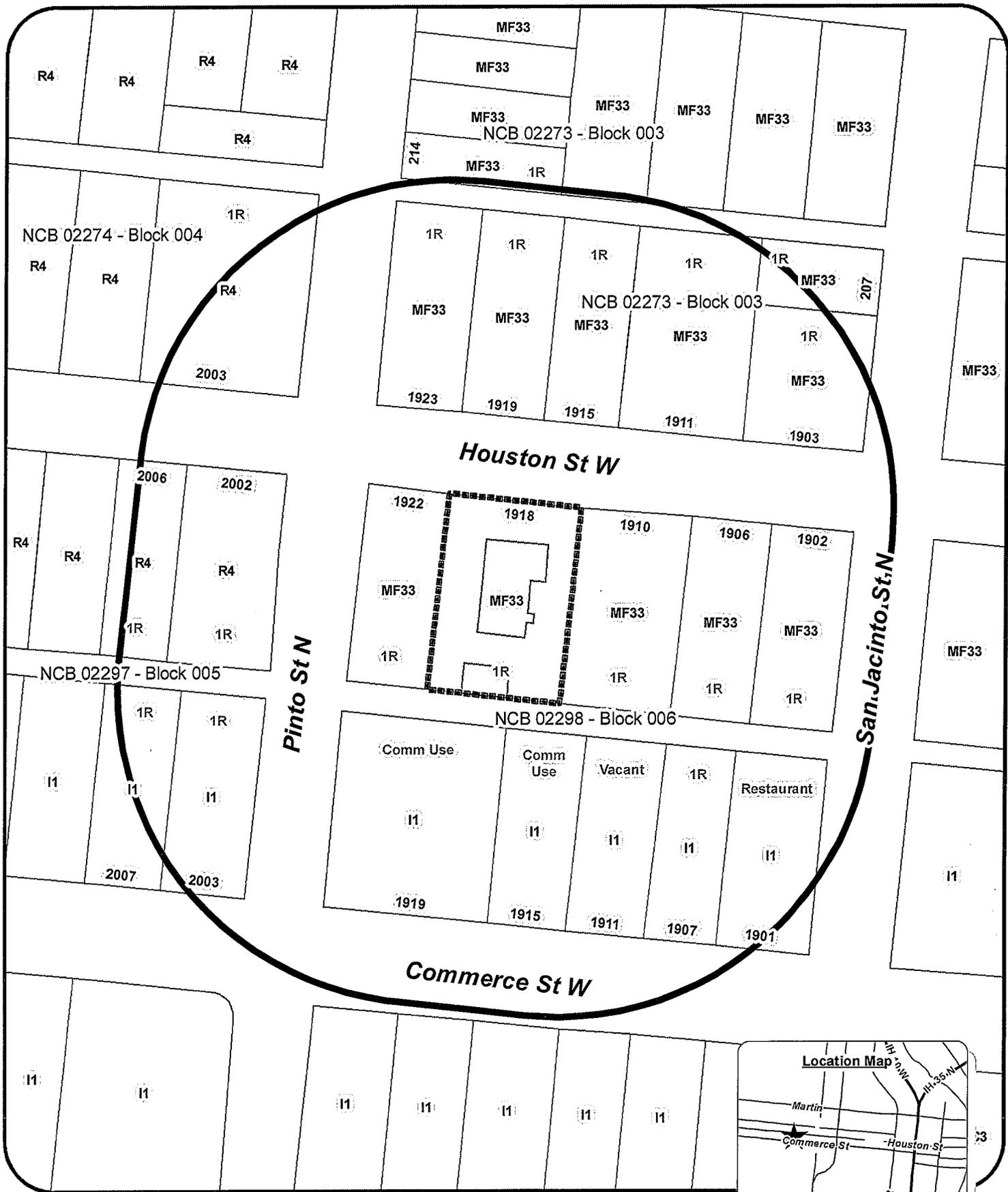
Contractors

No Contractors

Item Description

Item Status



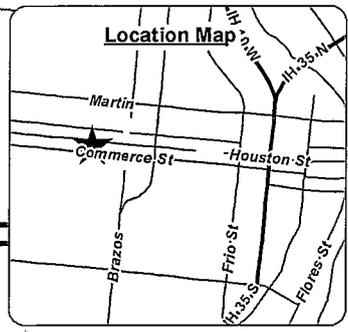


Board of Adjustment
Notification Plan for
Case A-08-043



Legend
 Subject Property 
 200' Notification Buffer 

Scale: 1" approx. = 80'
 Council District 1



Produced by the City of San Antonio
 Development Services Department
 (02/15/2008)

Board of Adjustment - Case No. A-08-043

March 3, 2008

The Board of Adjustment will hold a Public Hearing at 10:00 AM on **Monday, March 3, 2008** in the Board Room on the 1st floor of the Cliff Morton Development & Business Services Center, 1901 South Alamo Street, to consider the following application:

Applicant – George and Catherine Cisneros
Lot 5 and the west 33.33 feet of Lot 4, Block 6, NCB 2298
1918 West Houston Street
Zoned: “MF-33” Multi-Family District

The applicant is requesting a 1-foot, 6-inch variance from the Unified Development Code requirement that predominantly open fences in front yards be no taller than 4 feet, in order to keep a 5-foot tall predominantly open fence with a 5-foot, 6-inch tall gate post in the front yard.

The City of San Antonio, Texas desires that you as an interested property owner be advised as to the action being considered in reference to this application and invites you to attend this public hearing to express your opinion on this issue. You may contact Case Manager David Arciniega at 207-6944 regarding the status of this case. If you plan to make a presentation and would like to utilize audio/video capabilities, the Development Services Department must receive all materials at least 24 hours prior to the public hearing.

Construction relative to any variances granted by the Board must be started within six (6) months of the public hearing.

The Cliff Morton Development and Business Services Center is wheelchair accessible. Accessible parking spaces are located on the north and south sides of the building.

Houston St W

Existing 5' - 0" Tall Open Iron Fence
with 5' - 6" Gate Post
(85 linear ft)

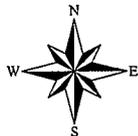
Existing
Residence

Lot 5 and W.33.33 ft of Lot 4
NCB 02298 - Block 006

Existing
Garage

Alley

Board of Adjustment
Plot Plan for
Case A-08-043



Scale: 1" approx. = 20'
Council District 5

1918 Houston St W

Produced by the City of San Antonio
Development Services Department
(02/19/2008)

CASE NO: A-08-043

Board of Adjustment – March 3, 2008

Applicant: George & Catherine Cisneros
Owner: George & Catherine Cisneros
Request(s): A 1-foot, 6-inch variance from the requirement that predominantly open fences in front yards be no taller than 4 feet, in order to keep an existing 5-foot tall predominantly open fence with a 5-foot, 6-inch tall gate post in the front yard.
Legal Description: Lot 5 and the west 33.33 feet of Lot 4, Block 6, NCB 2298
Address: 1918 West Houston Street
Zoning: "MF-33" Multi-Family District
Existing Use: Single-Family Residence
Neigh. Assoc: Prospect Hill Neighborhood Association
Neigh. Plan: None

Section of the City Code from which this variance is requested:

35-514 Fences and Walls: No fence or wall, other than the wall of a permitted structure, shall be erected or altered in any front yard to exceed a height of 4 feet with the fence or wall to be so constructed that vision will not be obscured above a height of 3 feet.

Background: The subject property is located in an established single-family residential neighborhood on the City's west side and is occupied by a single-family residence. The property is located on the south side of West Houston Street, north of West Commerce Street, and west of IH 35 North. The applicant replaced a 5-foot tall predominantly open fence in the front yard with a new 5-foot tall predominantly open fence with a 5-foot, 6-inch tall gate post. The applicant was issued a citation on January 28, 2008 for not obtaining the required building permits for a predominantly open fence that exceeds the maximum allowable fence height. The investigation was initiated as a result of a citizen complaint.

Recommendation: The intent of the maximum fence height requirement in front yards is to allow property owners to screen and secure their property while also maintaining openness, air flow, light penetration, neighborhood uniformity and safe visual clearance. The fence height in front yards is also limited because its presence can detract from the streetscape and pedestrian friendliness of a neighborhood. However, this is not the case along the 1900 block of West Houston Street. A majority of the residences that are located on the 1900 block of West Houston Street have predominantly open fences in their front yards. The size and scale of the fence the applicant has constructed is consistent with existing conditions in the area. Staff recommends **approval** of the requested variance.

Case Manager: David Arciniega, Planner (210) 207-6944

W HOUSTON ST.

< --- 85 Feet --- >

^
||
N

^

125 Feet

<

